

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 977 OF 2019

Pramod Maganlal Mehta ... Appellant

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Prosper D'Souza for appellant.

Ms. Dharini N. Nagda a/w. Mr. Mahesh Vaswani a/w. Ms. Urshita Jain
for Respondent No. 2.

Mr. S.R. Agarkar – APP for the State.

Mr. Balasaheb Kadam, ACP Bhandup Division, Mumbai.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 21ST AUGUST, 2019.

P.C. :

1. Heard.
2. Perused the papers of investigation. It appears from the papers that the original complainant who is a practicing advocate and the appellant happen to be the residents of the same society i.e. Good Earth Society, which is in fact, a co-operative society registered under the provisions of Maharashtra Co-operative Societies Act, 1960. The complainant is an elected member of the said society. She is appointed as a Secretary of the Society and happens to be a part of the Managing Committee.
3. It is alleged in the complaint that at the behest of the appellant and on the basis of his complaints, the statutory authorities had issued notice to the management of Good Earth Society, that he

has full knowledge that the complainant belongs to Scheduled Caste, that he is also aware that the statutory authorities would issue notice to the Managing Committee which would be received by the Secretary and the Chairman of the said society. It is pertinent to note that the Chairman has no grievance about the notices issued by the statutory authorities for maintenance as well as the management of the said society but the complainant had gathered an impression that in order to harass her and since she belongs to the Scheduled Castes the appellant is deliberately filing the complaints.

3. It is specifically stated in the affidavit filed by the complainant that in the past also the appellant has prevented and / or not co-operated with the contractors for carrying out necessary repair work to the house of the appellant which was deliberate in order to depict to the authorities that the society is not complying with the direction.

4. According to the complainant the appellant is persistently filing complaints against the management. It appears from the records that the appellant is 79 years old.

5. The learned counsel for the respondent no. 2, vehemently submits that the appellant does not deserve sympathy at the hands of this Court. Since he has not co-operated with the investigating agency and therefore, on one occasion, the investigating agency had also sought custody of the appellant. On the other hand, it is stated that the investigating officer is cooperating with the appellant and to demonstrate the same the complainant has placed on record the photographs of the appellant along with the investigating officer.

6. In fact, the investigating officer had visited the society, for the purpose of investigation the photographs are taken while the officer was interacting with the appellant.

7. Upon considering the facts of the case, coupled with the fact that the appellant is 79 years old and there are other disputes between the same parties, custodial interrogation is not imperative.

8. In view of the above discussions, the following order.

Order

- i) The Criminal Appeal is allowed and stands disposed of.
- ii) In the event of arrest the appellant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- iii) Both the parties shall maintain peace and harmony in the society.

(SMT. SADHANA S. JADHAV, J)