

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI.W.P. NO. 4472 OF 2013

Gorai Road Ashtavinayak Nagar CHS
Union Ltd.

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Shreepad Murthy a/w Mr. Abhishek Patil for the petitioner.

Mr. K.V. Saste, APP for the State.

**CORAM : B.P. DHARMADHIKARI &
SMT. S.S. JADHAV, JJ.**

DATE : NOVEMBER 05, 2019

P.C.:

Petitioner claims to be federation and seeks direction to respondent nos.2 and 3 to lodge prosecution against the ex directors for not handing over records in terms of section 146 and 147 of the Maharashtra Cooperative Societies Act. Along with it, directions to file a complaint for the offences punishable under section 204, 420, 464, 466, 467, 468, 471 and 477 read with section 34 of IPC are also sought.

2. Learned APP appears for respondent no. 1 to 3.

3. It is pointed out that at the relevant time there was administrator.

4. After hearing respective counsel we find that this petition has been presented some time in September, 2013. At that time, affairs of association/Federation were looked after by the administrator.

5. The tenure of that administrator must have expired and thereafter some elected body may have entered the office. That elected body also may have completed its tenure which cannot exceed five years.

6. We also find that the petition is not accompanied by any resolution of Federation authorizing filing of such petition.

7. As the matter has remained pending for more than six years, we are inclined to grant the petitioners leave to file a fresh petition for same cause with necessary pleadings and documents if the cause still subsists. Hence, with this liberty, we dispose of the present petition.

(SMT. S.S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)