

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1290 OF 2017

Vinayak Thannappa Kamble and Ors.	...Applicants
Versus	
The State of Maharashtra and Anr.	...Respondents
Mr. P. P. Kulkarni for the Applicants.	
Mr. K. V. Sask, APP for the Respondent/State.	

**CORAM : B.P. DHARMADHIKARI &
SMT. REVATI MOHITE DERE, JJ.
DATE : 25/2/2019**

P.C. :

. Heard sufficiently. The documents specifically show audit objection that self holding to the extent of 5% of Rs.34,60,000/- was not invested for a period between 23/6/2011 to 26/2/2013 and 23/2/2016 to 21/11/2016 which has resulted in loss of Rs.12,55,553/- to the Society.

2. Authorized officer in inquiry under section 88 of the Maharashtra Cooperative Societies Act, 1960 has found that as per statement of bank account dated 28/3/2016 amount of Rs.40,31,564.75 was standing to the credit of Co-operative Society viz., Jaybheem Magaswargiya Sahakari Sanstha Maryadit. This finding is not sufficient to show incorrectness in the finding in audit report.

3. Audit report only shows loss and during investigation, Investigating Officer can independently ascertain facts and verify

documents to find out whether there is any misappropriation or loss or not.

4. In the situation, we find no case made out warranting intervention in extraordinary jurisdiction.

5. Needless to mention that observation made by us are only for refusing to intervene under section 482 of Cr.P.C. and it is open to the applicants to raise appropriate challenge before the trial Court.

6. With these observations and clarification we dispose of the present challenge. Rule is discharged.

(SMT. REVATI MOHITE DERE, J.)

(B.P. DHARMADHIKARI, J.)