

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.450/2019
Amarnath s/o Jivanlal Ragde

..VS..

State of Mah., thr. Police Station Officer Tumsar, District Bhandara

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri K.S.Motwani, Counsel for the Petitioner.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 20, 2019.

1. By this writ petition, the petitioner is challenging order passed below Exhibit 46 dated 20.2.2017 by learned Chief Judicial Magistrate, Bhandara in Regular Criminal Case No.295/2013 whereby application for discharge filed by the petitioner was rejected and the said order was confirmed on 8.2.2019 in Criminal Revision No.27/2017 by learned Sessions Judge, Bhandara.

2. According to learned counsel Shri K.S.Motwani for the petitioner, name of the petitioner was already removed from Schedule-I and, therefore, he has no concern whatsoever in nature in respect of trust affairs. He submitted that dispute is purely civil in nature. He, therefore, submitted that the petitioner is required to be

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discharged from the proceedings.

3. *Per contra*, learned Additional Public Prosecutor Shri J.Y.Ghurde for the respondent/State, vehemently opposed the contention of learned counsel Shri K.S.Motwani for the petitioner and pointed out that in spite of fact that the petitioner's turn as secretary came to an end on 16.9.1999 and his name was deleted, still he projected himself as Secretary of the Trust and was instrumental in passing Resolutions.

4. Bulky chargesheet filed on record shows that the petitioner posed himself as Secretary in spite of fact that he was not holding the said post in Trust after 1999 and got various Resolutions which are fabricated in nature and thereby appointed his son and relatives as employees of the Trust and caused losses to the State exchequer to the extent of Rs.10.00 lacs approximately.

5. At the time of framing of charge, Court is not required to appreciate the prosecution case from point as to whether the applicant will be convicted or not. Even, allegations are appearing in chargesheet against the accused which shows his involvement in commission of offence that is sufficient for the Court to frame charge.

6. Insofar as other submission of learned counsel Shri K.S.Motwani for the petitioner is concerned, it is a matter of defence that can be considered only at appropriate stage of Trial.

7. In this view of the matter, there is no merit in the petition. The criminal writ petition is dismissed.

8. Needless to mention that *interim* order granted on 23.7.2019 stands vacated.

JUDGE

!! BRW !!

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