

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1266 OF 2019

1. Anil Ashok Ramraje,
Age: 35 years, Occ.: Nil,
R/o Poshipal Chouk, Station Road Dhuke,
Tq. & Dist. Dhule.

2. Raju Barku Salunke,
Age: 45 years, Occ.: Nil,
R/o Sharma Nagar, Back Side,
Sambappa Colony, Chittod Road,
Dhule, Tq. & Dist. Dhule.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Home Department, Mantralaya,
Mumbai.

2. The Superintendent of Police,
Dhule, Tq. & Dist. Dhule.

3. The Police Inspector,
Dhule City Police Station,
Tq. & Dist. Dhule.

.. **Respondents**

...

Mr. Jadhavar Shivprasad G. Advocate for the Petitioners.

Mr. K.S. Patil, APP for the Respondent-State.

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 26.02.2020

ORAL JUDGMENT :- (Per: *T.V. Nalawade, J.*)

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. Heard learned counsel for the petitioner and the learned A.P.P. The learned A.P.P. showed to this Court the report of inquiry prepared by Regional Manager, Nashik Division of Vasantrao Naik V.J.N.T. Development Corporation, Nashik. The report shows that in respect of at least ten persons it was found that those ten persons were not living in the area of Dhule District. The record for giving them the benefit of loan was false and fabricated and the record in respect of so called sureties was also found to be false. The inquiry report shows that ten cheques in respect of these ten persons were issued and they were encashed by depositing the amount in the account of Deputy Manager - Yogesh Sanap and the amount was withdrawn from there which was around Rupees Fifty Lakhs. Thus the amount was not paid to the beneficiaries and the ten names appear to be of fictitious persons. In the report, it is specifically mentioned that these persons in all twelve had conspired to create such false record and misappropriated the money of the Government. Though the report was given on 19.07.2016 and when the crime was registered on 13.12.2017 at Dhule City Police Station as Crime No.284 of 2017, no further steps were taken by police in this matter.

3. Today the learned A.P.P. showed to this Court communication dated 17.04.2018 which shows that the Managing Director of V.J.N.T. Development Corporation informed to police that only the corporation has the power to take action in such cases as it is registered as a Government Corporation. It is communicated that for giving of the F.I.R. there was no permission of the Corporation and in the past one member committee was constituted and report of the one member committee dated 17.03.2017 was accepted by the Corporation. It was informed that the Corporation is not ready to give sanction for prosecution and so the matter may be closed. It was informed that such resolution was passed by the Director Board of the Corporation.

4. The aforesaid circumstances show that on one hand the inquiry was made by the Regional Director, V.J.N.T. Development Corporation, Nashik and he had formed an opinion that offence is committed and action needs to be taken and on the other hand the persons against whom there are allegations have informed that they are not ready to give sanction for such prosecution.

5. When there is offence of conspiracy, cheating, creation of false record and miss-appropriation of Government money, the police are not

expected to seek the permission of such Corporation. Though such corporations are created by the Government for serving the people belonging to V.J.N.T., if such incidents are taking place and cognizable offences are committed of the aforesaid nature, police cannot feel helpless and stop further action. It is necessary for police to do the needful and take further action including filing of the charge-sheet, even if there is no sanction as for such offences no sanction under Section 197 of the Cr.P.C. is necessary. As it is a cognizable offence it is not open to the Corporation to say that only after their permission the crime can be registered.

6. In the result, the petition is allowed. Direction is hereby given to the concerned police station to go on with the investigation of the matter (Crime No. 284 of 2017 registered with Dhule City Police Station for the aforesaid offences) and form an opinion about the commission of offence and take further action as provided under Cr.P.C. It needs to be kept in mind that there will be no necessity of sanction of the aforesaid Corporation for filing of the charge-sheet. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]