

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 1595 OF 2019

1. Laxman S/o Namdeo Istake,
Age: 48 years, Occ: Agril,
2. Namdeo S/o Asaram Istake,
Age: 70 years, Occ: Agril,
3. Suresh S/o Namdeo Istake,
Age: 46 years, Occ: Agril,
4. Dwarkabai W/o Namdeo Istake,
Age: 65 years, Occ: Agril,

All R/o: New Kaigaon, Tq. Gangapur,
Dist. Aurangabad.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary of Home Ministry,
Mantralaya Mumbai.
2. The Inspector General of Police,
Inspector General Office Sahid Bhagatsing
Marga Kulaba Mumbai-400 001.
3. The Superintendent of Police,
S.P. Office T.V. Centre Aurangabad.
4. The Deputy Superintendent of Police,
Office at Gangapur, Dist. Aurangabad.
5. The Police Inspector,
Police Station, Gangapur,
Tq. Gangapur, Dist. Aurangabad.

6. The Inspector Financial Crime Branch,
Office at Aurangabad.

... **RESPONDENTS**

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Mr. Gautam J. Pahilwan, Advocate for Petitioners.

Mr. K. D. Mundhe, APP for all Respondents.

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

DATE : 27th February, 2020.

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

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

2 A direction is claimed in the present matter against the Respondents to take decision on the applications given by the Petitioners dated 1st July, 2019 and 13th September, 2019. The application is given to the District Superintendent of Police, Aurangabad Rural and prayer is made to transfer the investigation from the present investigating officer, who is of the rank of PSI to other competent officer. There is grievance with regard to the manner in which the investigation is being carried out. Allegations are made in

respect of working of a Branch of Bhairawnath Multistate Co-operative Society situated at Kaigaon, Tahsil Gangapur, District Aurangabad.

3 Yesterday, this Court made order in Criminal Writ Petition No.1874 of 2019 and gave direction to police to register crime against the Management of this society and make investigation by presuming that the offence punishable under the MPID Act is also committed. In that matter, there was the report of Auditor showing that the society is not in a position to return the amount of more than Rs.2,00,00,000/- belonging to the depositors. In the present matter in respect of present Branch, there is allegation that the amount of depositors is around Rs.24,00,000/-. When there is audit report in respect of head office of the aforesaid nature, it is always desirable that only one investigating agency makes the investigation of the affairs of not only the head office but also the Branches as they are controlled by the head office and by the same management. In such cases, when offence is committed under the MPID Act and amount involved of the depositors is huge amount, more than Rs.60,00,000/- then the matter is ordinarily given by the State for investigation to Economic Wing. In view of these circumstances, this Court is hereby directing the State Government to see that all the matters with regard to this Multistate Co-operative Society are handed over for investigation to Economic

Wing of Nagar and that is to be done within one month from today.

With these observations, the present petition is disposed of.

Authenticated copy is allowed to both the sides.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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