

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

CRIMINAL WRIT PETITION NO. 1874 OF 2019

1. Shri Sanjay Bhausahab Mote,
Age: 42 years, Occu. Agril.,
R/o Wadala Bahiorba, Tq. Newasa,
District Ahmednagar.
2. Sunil Sukhdeo Shinde,
Age: Major, Occu. Agril.,
R/o Wadala Bahiorba, Tq. Newasa,
District Ahmednagar.
3. Baban Chandrabhan Shahrarao,
Age: Major, Occu. Agril.,
R/o Wadala Bahiorba, Tq. Newasa,
District Ahmednagar.
4. Shri Sharad Bhausahab Mote,
Age: years, Occu. Service,
R/o Wadala Bahiorba, Tq. Newasa,
District Ahmednagar.
5. Suresh Kashinath Mote,
Age: Major, Occu. Agril.,
R/o Wadala Bahiorba, Tq. Newasa,
District Ahmednagar.
6. Shivaji Laxman Pansare,
Age: Major, Occu. Agril.,
R/o Kharwandi, Tq. Newasa,
District Ahmednagar.
7. Alka Bhausahab Dangat,
Age: Major, Occu. Agril.,
R/o Sangvi, Tq. Newasa,
District Ahmednagar.

8. Bhausahab Kundlik Kardile,
Age: Major, Occu. Agril.,
R/o As above.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department, Mantralaya,
Mumbai – 32.
2. The Collector,
Collectorate Office at Ahmednagar.
3. The Superintendent of Police,
Ahmednagar.
4. The Deputy Superintendent of Police,
Newasa, Tq. Newasa,
District Ahmednagar.

.. **Respondents**

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Mr. Jagtap Vijay B., Advocate for the Petitioners.
Mr. S.G. Sangle, APP for the Respondent-State.

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**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. Proceeding is filed for direction of registration of crime against the management of a Multistate Co-op. Society.

2. The submissions and the record show that petitioner no.8-Bhausahab Kardile gave a complaint to the Joint Secretary of Co-operative

Societies, Regional Assistant Registrar of Co-operative Societies, District Collector and District Superintendent of Police, Ahmednagar on 06.09.2018. He has made allegations that Bhairavnath Multi State Co-operative Credit Society of Wadala Bahiroba is not properly managed. He has contended that he has deposited hard earned money in the society but due to the mismanagement and fraud committed by the management even after the period of fixed deposit is over he is not able to get back the amount kept as fixed deposit in the society. He has given the names of Chairman and Directors who were contacted by him for requesting to return the fixed deposit amount. Some deposits matured prior to 01.03.2018 and 01.03.2018 is the date of maturing of the last deposit. He is having six receipts of fixed deposits. He has made allegations that the persons from the management have misappropriated the amount of society and only due to that he is not able to get back the F.D. amount. Similar complaints are given by other persons like Sunil Shinde, Baban Shaharao, Sanjay Mote, Suresh Mote Shivaji Pansare on 29.08.2019. The grievance of all the depositors is of similar nature.

3. In view of the nature of allegations this Court asked the learned A.P.P. to show the steps taken by police in view of the grievance of the petitioners expressed in the present petition. The learned A.P.P. showed to this

Court the communication of Deputy Superintendent of Police (Economic Wing), Ahmednagar. In the communication it is informed that routine audit of this institution was conducted and the Auditor did not notice that there was actual misappropriation of any amount, though 74% debtors were defaulters and the society was not able to recover the amount. It is also mentioned that the society had invested the amount in immovable property and due to that the liquidity of the society was affected. The amount which needs to be recovered from the debtors is more than rupees 3.5 crores and property which is shown to be purchased is worth rupees 1.29 crores. The deposited amount was more than rupees 6.37 crores and the amount of rupees 1.5 crores was returned by the society but after 29.11.2019 the society was not able to return the deposits of other depositors.

4. Today this Court had an opportunity to consider the allegations made against another society by name Bhairavnath Gramin Bigar Sheti Co-operative Credit Society Wadala Bahiroba. In Writ Petition No. 1873 of 2019 the papers of investigation are considered by this Court and they show that against this society the crime for the offences punishable under Section 406, 420, 409, 120-B read with Section 34 of the I.P.C. and also under Section 3 of the MPID Act, 1999 is registered and in that case also many depositors had approached police for registration of the crime. Both these societies are under

the control of Sunil Bhausaheb Mote and he is the Chairman of both the societies. Other persons like Manik Mote, Namdeo Bhoge, Abasaheb Chavan are there in management of both institutions. Such circumstances cannot be ignored in the cases of the present nature. When there is the opinion formed that unnecessarily amount is shown to be invested in immovable property and 74% debtors are defaulters, it becomes a matter of investigation as by using some *modus operandi* the persons who are in control of the institution make money.

5. In view of all these circumstances and as there is a huge amount of the depositors which the present society/institution is not able to return, this Court holds that direction needs to be given in the present matter to register the crime. In the result, the petition is allowed. A direction is hereby given to the Newasa Police Station to register crime on the basis of the complaint given by any one of the petitioners or any of the depositors for the offences punishable under I.P.C. and also under the provisions of M.P.I.D. Act, 1999. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]