

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

CRIMINAL APPLICATION (APL) NO.451 OF 2017

Dilip Sopan Yadav

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul S. Kadam for the Applicant.

Dr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 2/1/2020.

PC.:

. The contention of the applicant is in the Deed of Partnership he has been added only to share profit. He has never participated in any business of partnership firm and therefore has not met Respondent No.2 complainant and is not aware of the allegations by respondent No.2.

2. With the assistance of learned counsel we have perused record and charge-sheet. The allegations against the applicant and other partners are flat was shown to respondent No.2 but its possession was not handed over though money was accepted.

3. Partnership deed entered into between the applicant and other partners supports the contention that the applicant has to share only profits. However, that does not mean that the Investigating Officer cannot carry out investigation into the allegations.

4. The statement of respondent No.2 dated 27/1/2017 in support

of FIR names the applicant.

5. In this situation, we are not inclined to intervene in extraordinary jurisdiction.

6. Needless to mention that all contentions of the applicant are kept open and can be pressed by him at appropriate juncture. Criminal Application (APL) No.451/2017 is accordingly disposed of.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)