

Smt.Laxmibai Kachrual Pande	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr.B.V.Samant-AGP for State.

DATED :- JANUARY 29, 2020

1. On this petition, we had passed a detailed order on 7th January, 2020. In response to that, a report and a comprehensive one has been filed by the learned AGP. The report is of 55 pages. The report is of the office of Superintendent of Police, Chandrapur. Chandrapur is the concerned district.

2. The report and the documents referred therein, copies of which are annexed, indicate that the petitioner before us, together with other ladies in the Ward in which they were all residing, formed a *Bachatgat* (Women Self Help Group) known as “Mansi”.

That was formed on 4th December, 2006. The affairs of this *Bachatgat* are supervised by the Assistant Project Officer of the Nagar Parishad, Rajura. The petitioner was the first President of this *Bachatgat*. However, there was a dispute between her and other women members of this *Bachatgat*. That is why on 5th April, 2007, there was a resolution passed removing her as the President. One Subhadra Bhatulkar has been appointed as the President. Thereafter, the petitioner was working as a Member of this group. There was a bank account opened in the name of this group in Bank of India, Rajura branch. There were regular transactions insofar as this account with the branch. It is stated that there was a meeting held of this *Bachatgat* and in which, one lady expressed her un-willingness to work as the Secretary. Thereafter, that post was offered to the petitioner. It is also stated that there is a financial assistance given to the members of such groups, who are below poverty line. Such members were given financial assistance of Rs.8,000/-.

3. After the petitioner was appointed as the Secretary, the bank was approached and a loan was sought from the bank. That was to the tune of Rs.4 lakhs. Thereafter, a percentage of that amount was forwarded (Rs.1,40,000/-) by the Assistant Project Officer. Thereafter, in installments, the amount was withdrawn from the

bank. It is alleged that instead of utilising these funds for the hotel business of the *Bachatgat*, there was a diversion of these amounts and apart from others, even the petitioner is accused of such diversion of funds.

4. Since police machinery has swung into action and the petitioner is likely to be implicated as an accused that she has fled the instant petition. It is only to comply with the order of this court that the Superintendent of Police has made the necessary investigation and forwarded this report.

5. We are of the firm opinion that the petitioner may dispute the facts and allegations contained in the report. She may say that she is innocent. She may project herself as a victim. However, when there are such disputed questions of fact, then, we cannot accept the version of the petitioner that somebody has prepared a bogus certificate evidencing her death. The report has referred to the statements of public officials, who have categorically said that on investigation, the charge of the petitioner that bogus death certificate was prepared, is not substantiated. No bogus, forged or fabricated certificate has been issued evidencing death of the petitioner. This is the report of the Municipal Council, Rajura.

6. On a perusal of the documents, we had indicated to the petitioner's counsel that this is not a fit case for interference in writ jurisdiction and the petitioner has all remedies open to her to which she can take recourse to and establish and prove her allegations against the public officials. The petitioner has not given clear instructions to her counsel with regard to withdrawal of the petition. However, on a perusal of the petition, the annexures and this report, we are of the firm opinion that the remedy of the petitioner is not to file a petition under Article 226 of the Constitution of India, but to approach a competent civil and criminal court and prove and establish her case. Leaving that course open to her, we dispose of this petition.

7. This order is passed in the presence of the petitioner.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)