

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****950 CRIMINAL WRIT PETITION NO.499 OF 2021**

ANAND KERABA DHANWADE AND ANR ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...

Advocate for Petitioners : Mr. G. G.Suryawanshi

APP for Respondent No.1: Mrs. G. L. Deshpande

...

CORAM : N.R. BORKAR, J.

DATE : 16.12.2021

PER COURT :-

This petition challenges the order dated 14.06.2017 passed by the learned Magistrate Mukhed, District Nanded and the order dated 11.12.2020 passed by the learned Additional Sessions Judge, Kandhar in Criminal Revision No. 20 of 2017 confirming the order passed by the learned Magistrate.

2. The petitioners are the accused in Crime No. 58 of 2014 registered at Mukhed Police Station for the offences punishable under Sections 420, 409, 417, 419, 462, 463, 468, 471 read with Section 34 of the Indian Penal Code.

3. After investigation, 'C' summery report was filed before the learned Magistrate. The learned Magistrate rejected

the 'C' summary and directed further investigation. The learned Magistrate has observed :

“ Perused the record, Herd the learned advocate for the informant at length. He submitted that the informant has no grievance after the investigation made by the concern police station against the accused. But on perusal of entire documents on record, it appears that the amount involved in the matter is a public money. Though the informant has no any grievance against the accused, it is necessary to see whether proper investigation is conducted by concerned Investigating Officer. On perusal of report of concerned Investigating Officer, it appears that he filed his report in the matter mechanically. He has not made investigation in details. He investigated the matter only after perusal of original record. He has not investigated the matter by comparing on line data with original record. The amount involved in the matter is a public money. Public interest is involved in the matter. If 'C' summary is granted, then public will suffer. Therefore, it is necessary to investigate the matter in detail. Therefore, in pursuance to that I proceed to pass following order.

ORDER

- 1. The prayer of granting 'C' summary is hereby rejected.*
- 2. The concerned Investigating officer is directed to make further investigation in detail and file his report as early as possible.”*

4. I have heard the learned counsel for the petitioners, and learned A.P.P for Respondent State.

5. The learned counsel for the petitioners submits that no protest petition was filed by the informant against 'C' summery filed by the Investigating Officer. It is submitted that comprehensive investigation was carried out and 26 witnesses were examined and thereafter 'C' summery was filed. He submitted that considering these facts and circumstances the learned Magistrate ought to have accepted 'C' summery.

6. The allegations are that present petitioner misappropriated the public money by preparing false bills. Considering the allegations the learned Magistrate was justified in rejecting 'C' summery and ordering the further investigation.

7. No interference is thus called for in the order impugned. Petition is dismissed.

8. Considering the fact that the alleged crime is of the year 2014, the investigating officer shall complete the further investigation, within a period of six months from the date of receipt of copy of this order.

9. Record and proceedings be sent back to the concerned Court.

(N. R. BORKAR)
JUDGE

ysk