

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
914 CRIMINAL WRIT PETITION NO.983 OF 2019**

**SHESHRAO S/O. BHAUJI CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S.P. Salgar, Advocate h/f Mr. N. V. Gaware, Advocate for the petitioner

Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 12-10-2021

P. C.

. This petition takes an exception to the order dated 04-04-2019, passed by the learned Additional Sessions Judge, Latur in Criminal Revision No. 32 of 2018.

2. The petitioner is an accused in RCC No. 268 of 2000. On 22-01-2018, the trial court framed the charge against the present petitioner/accused for the offence punishable under Section 406 of the IPC. Being aggrieved by the said framing of charge by the trial court, revision petition was filed before the Sessions Court. The Sessions Court dismissed the revision petition by the order impugned.

3. I have heard learned counsel for the petitioner and learned APP for the respondent/State.

4. Admittedly, no discharge application was filed by the present petitioner. The allegations against the petitioner are that he misappropriated the amount of Rs. 10,00,000/-. According to the prosecution, the said amount was given to the petitioner for construction of one thousand toilets in the rural areas. According to the prosecution not a single toilet is constructed. The contention is there was agreement between the parties and breach of the said agreement would not attract Section 406 of the IPC. It is submitted that the trial court was therefore, not justified in framing charge for the offence punishable under Section 406 of the IPC. Considering the nature of allegations, the trial court was justified in framing charge under Section 406 of the IPC. No interference is called for in the order impugned. Hence, the following order is passed.

ORDER

- i. The petition is dismissed.

[N. R. BORKAR, J.]