

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

75 CRIMINAL WRIT PETITION NO.1149 OF 2021  
WITH APPLN/3219/2021 IN WP/1149/2021

BALAWANT ASARAM CHAVAN  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Deshmukh Shambhuraje V  
Public Prosecutor for Respondents 1 and 2 and 9: Mr. D.R. Kale  
Advocate for Respondent No.5 : Mr. D.S. Bagul  
Advocate for Respondent No.7 : Mr. A.N. Irpatgire

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**CORAM : V. K. JADHAV AND  
SANDIPKUMAR. C. MORE, JJ.  
DATED : 20<sup>th</sup> DECEMBER, 2021**

**PER COURT:-**

1. Learned Public Prosecutor, on instructions, in writing submits that on 18.12.2021 crime No. 454 of 2021 came to be registered with Shivaji Nagar police station, District Beed.

2. In this writ petition, the prayer clause "B" is the main prayer, which reads as under:-

"B) To issue writ of Mandamus or any other appropriate writ or direction in the like nature to the respondent Nos. 1 to 4 to register a crime against the respondent Nos 5 to 7 respect of fraud, misappropriation, siphoning and utilization of huge amount of Bank money/public money for their personal benefit and for the benefit of close

relatives pursuant to the inspection report of Reserve Bank of India dated 17.2.2020 and Statutory Auditors report dated 18.12.2020 and to conduct the Forensic Audit of respondent No.7 Bank from the experts and accordingly recover the amount a/w interest as per the audit reports.”

3. In view of above prayer, the purpose of filing this writ petition is served.

4. Learned counsel for the petitioner is now trying to place on record the additional affidavit of the petitioner stating therein that even though the crime is registered the integrity of the investigating officer is doubtful. In the instant case, the crime came to be registered on 18.12.2021 and only after a gap of one day, the petitioner is coming with such an additional affidavit. We refuse to accept the said additional affidavit. However, we grant liberty to the petitioner to initiate appropriate proceeding to transfer the investigation to any other agency or the petitioner is free to file appropriate application before the superior officer for transfer of investigation to State Level Economic Offences Wing etc.

5. Criminal writ petition is accordingly disposed of.

6. In view of disposal of main criminal writ petition, criminal

application No. 3219 of 2021 is also disposed of.

7. So far as the amount of Rs.50,000/- deposited by the petitioner before this court is concerned, the same shall be refunded to the petitioner.

**(SANDIPKUMAR. C. MORE, J.)**

**(V. K. JADHAV, J.)**

rlj/