

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO. 1550 OF 2019

Prashant s/o Mahadeorao Bodakhe & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Ms Neha B. Kamble, Advocate for the petitioners
Shri. S. G. Sangle, APP for respondent nos. 1 to 3
Shri. P. L. Shahane, Advocate for respondent no. 5
Shri. D. M. Shinde, Advocate for respondent no. 6
Shri. S. K. Chavan, Advocate for respondent no. 8

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**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 06TH MAY, 2021

PER COURT : -

1. The learned Prosecutor submits, on instructions from the District Collector, Hingoli that, a crime has been registered against respondent nos. 6 and 8.

2. On 26th April, 2021, we had sought details as regards the action taken by the District Collector, Hingoli, in our order under paragraph nos. 5 to 9, which are as follows : -

5. At this juncture, the learned Advocate for the petitioner submits, on instructions, that Shri Prashant Mahadeorao Bodakhe, who

claims to be a social activist and the President of the said Union, had himself lodged a complaint (undated) addressed to the Police Superintendent, Hingoli, which the Collector's Office and the SP's Office have received on 07-05-2018, alleging misappropriation of amounts by respondent no.6. Based on his complaint, the S.D.P.O., Sub Division, Hingoli, tendered a report to the Superintendent of Police, Hingoli dated 20-08-2018, vide which there are certain observations made with regard to misappropriation of amounts. Based on the said report, the Police Inspector, Police Station, Basamba, Panchayat Samiti, Hingoli and the Tahsildar of Tahsil Office, Hingoli, had addressed the District Collector Hingoli vide communication dated 31-01-2019, clearly setting out the probable misappropriation of Rs.Two Lacs approximately and further the action for recovery of the said amount.

6. In this background, it is submitted that, the petitioner is willing to delete the Union as a petitioner from this petition and since Mr Bodakhe is the complainant along with Mr Deepak Sambhuappa Jirvankar, this petition be treated as having been filed by an individual namely Prashant Mahadeorao Bodakhe.
7. In the interest of justice, we permit the petitioner to delete the Union from the cause title of this petition and retain the name of the petitioner as Mr Prashant Mahadeorao Bodakhe. Deletion be carried out by 27-04-2021.
8. We have called upon the learned Prosecutor to inform us as to what steps have been taken by the District Collector, Hingoli pursuant to the report dated 31-01-2019. The learned Prosecutor submits that, he would take instructions and make a statement on 29-04-2021.
9. In view of the above, list this petition in the 'urgent category' on **29-04-2021**.

3. The learned Advocate for the petitioner submits, on instructions, that though the petition is worked out, the petitioner prays for being added as an informant. Since the law does not permit such addition, unless there are more than one informant including the Petitioner, we cannot accede to the said request and the same is rejected.

4. Since the petition is worked out and as the Investigating Authorities would proceed to investigate into the crime in accordance with the Code of Criminal Procedure, this petition is disposed off.

[B. U. DEBADWAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE