

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

CRIMINAL WRIT PETITION NO.2016 OF 2019

- 01 Sau Aruna Ramdas Patil,
Age – 55 years, Occu – Household & Business,
R/o 14, 'Arunoday' Ajay Colony,
Ring Road, Jalgaon, Ta. & Dist. Jalgaon.
- 02 Nilesh Ramdas Patil,
Age – 35 years, Occu – Business,
R/o 14, 'Arunoday' Ajay Colony,
Ring Road, Jalgaon, Ta. & Dist. Jalgaon. ... PETITIONERS

VERSUS

- 01 The Liquidator,
Bhaichand Hirachand Raisonni Multistate
Co-op Credit Society Ltd., Jalgaon
E-2/3,4,5, Raymond Chaufuli, MIDC,
Ajintha Road, Jalgaon, District Jalgaon 412005.
- 02 The Superintendent of Police,
State Crime Investigation Department,
Nashik Division Nashik
CID Crime Branch, Police Head Quarter,
Nashik, District Nashik – 422002.
- 03 The Dy Superintendent of Police,
State Crime Investigation Department,
Nashik Division Nashik
CID Crime Branch, Police Head Quarter,
Nashik, District Nashik – 422002. ... RESPONDENTS

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Mr. Dhananjay B. Thoke, Advocate for Petitioners.
Mr. Ashwin V. Hon, Advocate for Respondent No.1.
Mr. B. V. Virdhe, APP for Respondent Nos.2 & 3.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 15th January, 2021.

ORDER: (Per T. V. Nalawade, J.)

. The petition is filed for relief of giving direction to the State Crime Investigation Department Nashik to handover the original Title Deeds of the properties more particularly mentioned in paragraph 3 of the petition to the Petitioners.

2 Heard the learned counsel for Petitioners.

3 The contentions made in the petition and the submissions made show that the Petitioners are directors of one educational institution and they had availed loan in the year 2014 for development of educational institution. It is contended that the Petitioners had repaid the loan and no due certificate has been issued in favour of the credit society from which the loan was taken. It is the contention of the Petitioners that in C.R. No.13 of 2015, registered for the offences punishable under Section 420, 409 and 120-B of the Indian Penal Code and Section 3 of the MPID Act, 1999, the title deeds came to be seized. Charge-sheet is filed in that crime for these offences and the case is pending in the Court of learned Additional Sessions Judge,

Jalgaon. It is contended that the Petitioners had made application to the Liquidator of the Multistate Co-operative Credit Society, Jalgaon for return of the aforesaid deeds of transactions and similar applications were made on many occasions. It is contended that by letter dated 11th July, 2019, the said credit society (Bhaichand Hirachand Rasoni Multistate Co-operative Credit Society Limited, Jalgaon) requested the District Superintendent of Police of CID to return the documents, but by communication dated 5th September, 2019, the investigating agency informed that this record was attached in the aforesaid C.R. and that had become part of charge-sheet filed in the Court of learned Additional Sessions Judge, Jalgaon. The police have also informed that when the purpose for which these deeds were attached is over, the record will be returned to them.

4 The submissions made show that the aforesaid record has become part of the charge-sheet filed against the accused, directors of the aforesaid Multistate Credit Society. In ordinary course, such prayer can be made only to the Trial Court, which can go through the record, consider the relevant facts and then pass appropriate order. Unless such order is in existence, the High Court is not expected to consider such matter as matter of original jurisdiction. In view of these circumstances, this Court holds that no relief can be granted. In the result, the following order is passed:

ORDER

The petition stands dismissed.

ndm [M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]