

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 799/2014
WITH
CRIMINAL APPLICATION (APL) NO. 800/2014**

CRIMINAL APPLICATION (APL) NO. 799/2014

- 1] **Anjali Govindrao Sant,**
Aged 30 years, Occ. Service,
Manager at Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
Akola Bazar Branch, Khamgaon, Distt. Buldhana
- 2] **Sanjay Ramesh Tayade,**
Aged 35 years, Occ. Service,
Clerk at Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
Akola Bazar Branch, Khamgaon, Distt. Buldhana
- 3] **Mayuri Manohar Shegokar,**
Aged 26 years, Occ. Service,
Cashier at Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
Akola Bazar Branch, Khamgaon, Distt. Buldhana
- 4] **Pramodkumar Bhaichand Raisonni,**
Aged 55 years, Occ. Business and founder
Chairman of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Balirampeth, Jalgaon
- 5] **Deelip Kantilal Chordiya,**
Aged 51 years, Occ. Agriculture
and Chairman of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon

- 6] **Motilal Onkar Jiri,**
Aged about 45 years, Occ. Agriculture
and Vice Chairman of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shelgaon, Tq. Jamner, Dist. Jalgaon
- 7] **Pramilabai Motilal Jiri,**
Aged 38 years, Occ. Household and
Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shelgaon, Tq. Jamner, Dist. Jalgaon
- 8] **Surajmal Babutmal Jain,**
Aged 51 years, Occ. Business
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 9] **Dada Ramchandra Patil,**
Aged 58 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 10] **Rajaram Kashinath Koli,**
Aged 48 years, Occ. Business
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 11] **Bhagwan Hiranman Wagh,**
Aged 64 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 12] **Dr. Hitendra Yeshwant Mahajan,**
Aged 50 years, Occ. Medical Practitioner
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Bendale Nagar, Jalgaon

- 13] **Indrakumar Atmaram Lalwani,**
Aged 48 years, Occ. Business
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Sindhi Colony, Jalgaon
- 14] **Shaikh Ramjan Shaikh Abdul Nabi,**
Aged 52 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 15] **Lalitabai Raju Sonawane,**
Aged 45 years, Occ. Household
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 16] **Bhagwat Sampat Mali,**
Aged 61 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 17] **Sukhlal Shahadu Mali,**
Aged 45 years, Occ. Executive
Officer of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shiv Colony, Jalgaon
- 18] **Yeshwant S/O Onkar Jiri,**
Aged about Adult, Occ. Director of
Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shiv Colony, Jalgaon

.... APPLICANT(S)

// VERSUS //

- 1] **State of Maharashtra**
through its Police Station Officer,
Khamgaon City, Police Station Khamgaon,
Dist. Buldana

- 2] **Malabai Dadarao Pawar,**
Aged 50 years, Occ. Agriculture
R/o. Atraj, Tq. Khamgaon, District Buldana

.... NON-APPLICANT(S)

CRIMINAL APPLICATION (APL) NO. 800/2014

- 1] **Pramodkumar Bhaichand Raisoni,**
Aged 55 years, Occ. Business and Founder
Chairman of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Balirampeth, Jalgaon
- 2] **Deelip Kantilal Chordiya,**
Aged 51 years, Occ. Agriculture
and Chairman of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 3] **Motilal Onkar Jiri,**
Aged about 45 years, Occ. Agriculture
and Vice Chairman of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shelgaon, Tq. Jamner, Dist. Jalgaon
- 4] **Pramilabai Motilal Jiri,**
Aged 38 years, Occ. Household and
Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Shelgaon, Tq. Jamner, Dist. Jalgaon
- 5] **Surajmal Babutmal Jain,**
Aged 51 years, Occ. Business
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 6] **Dada Ramchandra Patil,**
Aged 58 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisoni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon

- 7] **Rajaram Kashinath Koli,**
Aged 48 years, Occ. Business
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 8] **Bhagwan Hiranman Wagh,**
Aged 64 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 9] **Dr. Hitendra Yeshwant Mahajan,**
Aged 50 years, Occ. Medical Practitioner
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Bendale Nagar, Jalgaon
- 10] **Indrakumar Atmaram Lalwani,**
Aged 48 years, Occ. Business
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Sindhi Colony, Jalgaon
- 11] **Shaikh Ramjan Shaikh Abdul Nabi,**
Aged 52 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 12] **Lalitabai Raju Sonawane,**
Aged 45 years, Occ. Household
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon
- 13] **Bhagwat Sampat Mali,**
Aged 61 years, Occ. Agriculture
and Director of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Talegaon, Tq. Jamner, Dist. Jalgaon

14] **Sukhlal Shahadu Mali,**
Aged 45 years, Occ. Executive
Officer of Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Shiv Colony, Jalgaon

15] **Yeshwant S/O Onkar Jiri,**
Aged about Adult, Occ. Director of
Bhaichand Hirachand Raisonni,
Multistate Co-operative Credit Society,
R/o. Shiv Colony, Jalgaon

.... APPLICANT(S)

// VERSUS //

1] **State of Maharashtra**
through its Police Station Officer,
Police Station Anjangaon, Surji,
Dist. Amravati

2] **Rajendra Babanrao Zade,**
Aged 49 years, Occ. Agriculture
R/o. Sainath Nagar, Surji Anjangaon,
Tq. Anjangaon, District Amravati

.... NON-APPLICANT(S)

Shri N. Lalwani, Advocate for the applicant nos. 4 to 18 in APL No. 799/14
and for all the applicants in APL No. 800/14

Ms. Mayuri Deshmukh, APP for the non-applicant – State in both APLs

Shri A.M. Tirukh, Advocate for the non-applicant no. 2 in APL No. 799/14

Shri P.V. Navlani, Advocate for the non-applicant no. 2 in APL No. 800/14

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
FEBRUARY 15, 2021

CRIMINAL APPLICATION (APL) NO. 799/2014

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

1] This application under Section 482 of the Code of Criminal
Procedure is filed by 18 accused praying that the first information report

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registered against them with the non-applicant no. 1 – Police Station for the offences punishable under Sections 405, 406, 409, 415, 417, 418, 419, 420 and 34 of the Indian Penal Code be quashed. This criminal application is pending since 2014 and the interim directions that coercive steps shall not be taken against the applicants are operating. The criminal application was called out on 10/02/2021 for hearing on which date Shri S.G. Joshi, Advocate who represented the applicants made statement that the applicants want to engage another advocate. Accordingly, the matter was adjourned for 15/02/2021 i.e. today with the understanding that the matter would not be adjourned for any further date. Today Shri N. Lalwani, Advocate appeared and submitted that he has received the Vakalatnama for the applicant nos. 4 to 18, however, the applicant nos. 1 to 3 have not given any instructions to him. We are of the view that the applicant nos. 1 to 3 are avoiding hearing of the criminal application and misusing the interim order passed by this Court.

2] Hence, the criminal application of the applicant no. 1 – Anjali Govindrao Sant, the applicant no. 2 – Sanjay Ramesh Tayade and the applicant no. 3 – Mayuri Manohar Shegokar is **dismissed** for want of prosecution.

CRIMINAL APPLICATION (APL) NOS. 799/2014 & 800/2014

3] These applications are filed by the Directors of a Co-operative Credit Society praying that the first information report registered against them vide Crime No. M-5/2014 for the offences punishable under Sections 405, 406, 409, 415, 417, 418, 419, 420 and 34 of the Indian Penal Code and Crime No. 230/2014 registered against them for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 be quashed.

4] The non-applicant no. 1 – Investigating Agency has filed Criminal Application (APPP) No. 1376/2019 on 05/08/2019 praying for recalling of the order dated 18/12/2014. In the said application, it is stated that Bhaichand Hirachand Raisonni Multistate Co-operative Society of which the applicants are the Directors is having 220 branches all over the Maharashtra and about 73 offences are registered against the applicants. It is further stated that the investigation in the crimes was transferred to the State CID and in 70 crimes, the investigation was complete and charge-sheets were filed. Today, at the time of hearing, learned APP stated that 82 crimes are registered against the applicants at different places and by the judgment passed in W.P. No. 2784/2018 (Pramod Bhaichand Raisonni and ors vs. The State of Maharashtra & Anr.) on 02/05/2019, it is directed that all the

prosecutions shall be tried by the Special Court at Jalgaon. Learned APP has further stated that charge-sheet is filed in Crime No. M-5/2014 and subsequently, the offence under Section 3 of the Act of 1999 is also registered against the applicant nos. 4 to 18 in Criminal Application (APL) No. 799/2014.

5] In the facts of the case, we find that these are not fit cases to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure.

6] Hence, the criminal applications are **dismissed**.

7] Looking to the nature of controversy, the Special Court is directed to take up the prosecution on day to day basis and shall conclude it till 15/06/2021.

CRIMINAL APPLICATION (APPP) NO. 1376/2019

8] In view of the dismissal of the Criminal Application (APL) No. 800/2014, this application praying for grant of recalling of the order dated 18/12/2014 does not survive. It is **disposed** accordingly.

JUDGE

JUDGE