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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPLICATION NO. 892 OF 2022
IN/WITH CRIMINAL WRIT PETITION NO. 365 OF 2021

ZUBER DAWOOD KAZI AND OTHERS
VERSUS
MURLIDHAR SADASHIV TAGDE AND OTHERS

WITH
CRIMINAL APPLICATION NO. 893 OF 2022
IN/WITH CRIMINAL WRIT PETITION NO. 348 OF 2021

ZUBER DAWOOD KAZI AND ANOTHER
VERSUS
MURLIDHAR SADASHIV TAGDE AND OTHERS

WITH
CRIMINAL APPLICATION NO. 960 OF 2022
IN/WITH CRIMINAL WRIT PETITION NO. 583 OF 2021

ZUBER DAWOOD KAZI AND ANOTHER
VERSUS
MURLIDHAR SADASHIV TAGDE AND OTHERS

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Advocate for the Applicants : Mr. Mukul S. Kulkarni
Advocate for Respondent No.1 : Mr. S. P. Brahme
APP for Respondent Nos. 2 to 4 : Mr. M. M. Nerlikar

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 14th MARCH, 2022**

PER COURT:-

1. Heard.

2. The criminal writ petitions came to be filed by the respondent-original petitioner Murlidhar Sadashiv Tagde, who is not interested in prosecuting the matters. Even he has shown his inability to deposit the amount as directed by this Court to show his *bonafides*. Learned counsel appearing for the original petitioner Murlidhar, on instructions from his client who is present in person before the Court, seeks leave to withdraw all the three criminal writ petitions.

3. Learned counsel for the applicants - intervenors in the criminal applications submits that the criminal writ petitions came to be filed seeking initiation of criminal action in respect of misappropriation of huge amount of Rs.1,89,01,200/-, committed in respect of the then Vashi Agricultural Produce Market Committee during the period from 2013 to 2015. Learned counsel further submits that the various instances and amounts of misappropriation surfaced when special audit of the said market committee was conducted. Learned counsel submits that the writ petitioner is won over by the other side and therefore, he is not prosecuting the aforesaid writ petitions.

4. Learned counsel submits that applicant no.1 Zuber and applicant no.2 Sanjay are the members of Vividh Karyakari Society,

Washi and applicant no.3 Vikas is one of the Directors of the APMC, Washi. Learned counsel submits that the applicants are interested in prosecuting the matters in the manner the petitioner was previously intending. Learned counsel submits that the applicants are ready to deposit the amount, as directed by this Court to the original petitioner of the writ petitions, to show their *bonafides*.

5. Learned counsel for the original petitioner Murlidhar has obviously denied all the allegations that his client is won over by the other side. The learned counsel informs that due to health issues, the original petitioner is not interested in prosecuting the matter. Learned counsel for the original petitioner Murlidhar, on instructions from the petitioner who is present in person before the Court, submits that his client has no objection if the writ petitions filed by him are now being prosecuted by the applicants - intervenors.

6. Apart from the allegations made by the applicants - intervenors against the original writ petitioner, however, considering the cause for filing the writ petitions and further, the action in respect of misappropriation of the huge amount has been sought, we are inclined to allow these applications permitting thereby the applicants-intervenors to prosecute the petitions. Accordingly, the criminal

applications are allowed in terms of prayer clause “A” respectively, and disposed off accordingly.

7. We direct the applicants – intervenors (now petitioners) to deposit Rs.75,000/- in total on or before the next date of hearing, to show their *bonafides*.

8. At the request of learned counsel Mr. Syed Azizoddin h/f Mr. S. P. Brahme, his appearance for the original petitioner Murlidhar stands discharged.

9. Office to list the criminal writ petitions on 11.04.2022.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

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