

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL WRIT PETITION NO. 708 OF 2021

AMOL HEMANT GHOLAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Ambetkar Arvind G.
APP for Respondent-State : Mr. M. M. Nerlikar
.....

CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 12th JANUARY, 2022

PER COURT:-

1. We have heard learned counsel for the petitioner at length.
2. We have recorded in our order dated 28.07.2021 that even though learned counsel for the petitioner has pointed out three reports and the conclusions drawn in those inquiry reports, however, we do not find in any of those inquiry reports a conclusion about misappropriation, forgery, cheating etc. It has been concluded by the inquiry officers in those three inquiry reports that certain employees of MSRTC are responsible for certain irregularities in the process of transfer of the employees, granting early increment of the employees and certain irregularities committed by the inspection team.

3. In view of the above, at the most, in terms of the conclusions drawn by the inquiry officers in those three inquiry reports, an administrative action is warranted instead of criminal prosecution. We accordingly grant liberty to the petitioner to file a detail representation to respondent no.2 and upon filing such representation, respondent no.2 shall consider the same in the light of the conclusions drawn in those three inquiry reports and take appropriate corrective measures within a reasonable time, preferably within a period of six months. The criminal writ petition is accordingly disposed off.

4. The petitioner has deposited before this Court Rs.50,000/- to show his bonafides. The petitioner is entitled to refund of the said amount. However, learned counsel for the petitioner, on instructions, submits that the petitioner on his own is ready to pay Rs.5,000/- to the Bar Library, Advocate's Association of Bombay High Court, Bench at Aurangabad. In view of the above submissions, amount of Rs.45,000/- shall be refunded to the petitioner and the remaining amount of Rs.5,000/- shall be paid to the Bar Library, Advocate's Association of Bombay High Court, Bench at Aurangabad.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)