IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.199 OF 2022

Vasant Damodar Vankudre …. Appellant
Versus
The State of Maharashtra .... Respondent

Mr. Akshay Pawar, Advocate for the Appellant.
Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th OCTOBER, 2022

P.C. :

1. This is an appeal challenging the order dated 7.1.2022 passed by the Additional Sessions Judge, Kolhapur in Criminal M.A. No.63/2020. The appellant had filed complaint under Section 156(3) of Cr.P.C. seeking directions for registration of FIR against the accused Nos.1 to 19 for offences punishable under Sections 3(1)(ii), 3(2), 3(3), 4, 5 of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act) and under Sections 109, 120B, 166A, 419, 420, 427, 465, 468, 511 read with 34 of the Indian Penal Code.

2. Heard Shri Akshay Pawar, learned counsel for the

appellant and Shri S.R. Agarkar, learned APP for the State.

3. The case of the appellant is that he was working with Canara Bank and had retired as Special Assistant on 5.7.1997 from Laxmipuri, Kolhapur Branch. The accused No.1 was the Ex-Chairman of Indian Banks Association. Accused No.2 was the Chairman and accused Nos.3 to 5 were Deputy Chairman of Indian Banks Association. The rest of the accused are various officers and trustees etc.. The allegations are that all the accused were working as an organized crime syndicate. All the accused, with malafide intentions, have acted to gain wrongfully and to cause wrongful loss to the retired bank employees. They had acted in furtherance of their common intention.

4. Paragraph-5 of the complaint mentions various alleged illegal acts committed by the accused and there is specific reference to the bipartite settlement which has resulted in denial of benefits to the retired employees. There are allegations that the accused caused mischief and thereby caused loss of amount of Rs.10 Lakhs each of the retired

employees and on this basis the complaint is filed.

5. Learned Additional Sessions Judge, Kolhapur in his impugned order in paragraph-11 has observed that the complainant had not filed a single document to indicate that all the accused have indulged in continuing unlawful activity or they were gaining pecuniary benefits or gaining undue other advantage by causing wrongful loss to the complainant or any other retired employees. Learned Judge further observed in paragraph-12 that the complainant had also made Under Secretary of Finance Department of Government of India as accused No.9. There was no prior sanction from the appropriate authority to initiate criminal proceedings. Learned Judge observed in paragraph-13 that since the grievance of the complainant is that he was not getting pension as per the revised pay bills, the complaint proceeding was not proper and he has to approach proper forum for his grievance. Considering all this, the application was rejected.

6. I do not find any illegality, irregularity or

incorrectness in the impugned order. Not a single ingredient of any of the offences mentioned in this complaint is made out from the complaint. The complaint is misconceived and the impugned order is correctly passed.

7. By no stretch of imagination it can be said that the accused in the complaint are members of organized crime syndicate or that their acts would fall within the meaning of 'continuing unlawful activity' as mentioned in the MCOC Act. Even none of the ingredients of any provisions of IPC is made out.

8. Therefore, I do not find any merit in the appeal. The appeal is dismissed.

(SARANG V. KOTWAL, J.)

Deshmane (PS)