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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.383 OF 2017**

Shantaram S. More

... Petitioner

V/s.

K.C. Pokharkar and ors.

... Respondents

Mr. Sachin K. Hande for the Petitioner.

Mr. Y. Y. Dabke, APP for the Respondent.

CORAM : N.R. BORKAR, J.
DATE : 22 JULY 2022.

P.C.

1. This petition takes an exception to the order dated 16 December 2016 passed by the Sessions Judge, Greater Mumbai in Criminal Revision Application No. 505 of 2016 and order dated 11 August 2014 passed by the learned Metropolitan Magistrate, Vikhroli, Mumbai in Criminal Case No.153/SW/2012.

2. The Petitioner herein filed the complaint case against the present Respondent Nos.1 to 9 for the offences punishable under Sections 420, 465, 468, 506 read with 34 of Indian Penal Code (IPC). The trial court by order dated 11 August 2014 dismissed the complaint against the present Respondents Nos.1 to 7 and issued process against the Respondent Nos. 8 and 9 for the offences punishable under Sections 420, 465, 468, 506 (1) read with 34 of IPC. The learned Sessions Judge dismissed the Revision Application

filed by the Petitioner by the order dated 16 December 2016. Both these orders are impugned in this petition.

3. I have heard the learned counsel for the Petitioner. It appears that after filing of the complaint the trial court directed the police authorities to submit report under Section 202 of Code of Criminal Procedure. It appears from the report that Respondent No.9 took the loan of Rs.2,00,000/-from Yeshomandir Patsanstha, Ghatkopar to which the present Petitioner and Respondent No.8, the husband of Respondent No.9, were guarantors. It appears that the loan amount was not paid and Respondent Nos.8 and 9 clandestinely sold the property, which was mortgaged with the Patsanstha. Resultantly, the Petitioner is being made to pay the loan amount. Admittedly, Respondent Nos.1 to 7 are the employees of the Patsanstha. The only allegation against them is that they have not taken effective steps to safeguard the mortgaged property due to which the Respondent Nos.8 and 9 could sold the mortgaged property.

4. There are no allegations that Respondent Nos.1 to 7 conspired with Respondent Nos. 8 and 9 and facilitated them to sell the mortgaged property. In absence of such allegations, no interference is called for in the orders impugned. Hence, Writ Petition is dismissed.

(N.R. BORKAR, J.)