

Police Station, Pune for offences punishable u/s. 341, 406 of I.P.C.”

3. Learned Counsel for the petitioner submits that despite the petitioner (original complainant) having made allegations as against Uddhav Ramchandra Bhumkar, no steps have been taken by the prosecution to make him an accused in the case registered by the petitioner with Lonikand Police Station, Pune i.e. in C.R. No.252 of 2018. In support thereof, learned counsel for the petitioner relied on the statement of the petitioner in the FIR as well as some of the statements in the charge-sheet. He submits that co-accused – Shankar Bhumkar against whom charge-sheet has been filed had transferred an amount of Rs.12 lakhs in the account of Uddhav Bhumkar.

4. Learned APP states that although the incident has taken place in 2018 i.e. on 5th March 2018, the police after investigation has filed a charge-sheet in the said case on 14th May 2021. She submits that a perusal of the last paragraph of the FIR/complaint lodged by the petitioner shows that the allegations were as against co-accused –

Shankar and that Shankar had transferred the money in Uddhav Bhumkar's account and as such the FIR was lodged as against Shankar Bhumkar. Learned APP further relied on the spot panchanama, wherein, the petitioner had disclosed about Shankar having put a seal on the door of the office.

5. Perused the papers. The petitioner is the original complainant. According to the petitioner, the incident took place on 5th March 2018 at about 12:20 p.m., when he alongwith Satish Gaikwad and Rajendra Tathe had gone to the office of the Trust at Lonikand. The petitioner has alleged that when he had gone to the said office, they found that the office was locked and sealed by one Shankar Bhumkar, who was an ex-chairman of the Trust by putting his signature on the seal. The petitioner has further alleged that on making enquiry, he learnt that Shankar Bhumkar alongwith Uddhav Bhumkar had attended the office at about 11:30 a.m. and locked and sealed the said office. According to the petitioner, when he made enquiry with Shankar Bhumkar, as to why he had put the lock on the

office, Shankar Bhumkar left the office without uttering a word. According to the petitioner, since Shankar Bhumkar was removed from the post of Secretary of the said Trust/Sanstha in the Special General Body Meeting held on 21st December 2017 and was permanently removed from the membership of the Trust/Sanstha, Shankar Bhumkar forcibly entered the said trust office and illegally and unlawfully locked the office. It is further alleged that a cheque for Rs.12 lakhs signed by Shankar Bhumkar was deposited in the account of Uddhav Bhumkar. It is not in dispute that after investigation, charge-sheet has been filed in the said case on 14th May 2021 only as against Shankar Bhumkar.

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6. Since, charge-sheet has been filed, we do not wish to go into the merits of the case and as such keep all contentions of the petitioner open, including taking recourse to Section 319 of the Code of Criminal Procedure during trial. It is made clear, we have not gone into the role of Uddhav Bhumkar, since charge-sheet has been filed in the said case only as against Shankar Bhumkar.

7. Petition is accordingly disposed of, on the aforesaid terms.
8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.