

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 340/2022.

Pandurang Tukaram Thakare and 12 others.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.S.Patil, Advocate for Petitioners.
Shri H.D.Dubey, A.P.P. for Respondent No.1.

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CORAM : VINAY JOSHI, J.

DATE : JUNE 10, 2022.

Heard.

2. This petition is by the original accused seeking to quash the order of rejection of discharge application by both the Courts below. At the instance a report lodged by the Auditor, a Crime No.59/2003 came to be registered. Police have carried out investigation and charge sheet is filed.

3. Initially applicants, who are Chairman and Directors of a Society have applied to the trial Court i.e. to the Court of Magistrate, for discharge

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in terms of Section 245 of the Code of Criminal Procedure. After hearing both the sides, the learned Magistrate by reasoned order has refused to discharge applicants from the case. The said order was challenged in Criminal Revision No.50/2014. Once again the matter was examined by the Sessions Court and ultimately the revision application came to be dismissed.

4. Pertinent to note that the Sessions Court has dismissed the revision on 01.11.2019. Thereafter the learned Magistrate has framed charge on 30.12.2019 and proceeded with the trial. It is informed that evidence of one of the witness was recorded on 23.02.2022.

5. Though the revision application was dismissed on 01.11.2019, this petition is filed on 07.06.2022 without any explanation on the point of delay and laches. Already the trial Court has framed the charge and trial is on the way. The learned Counsel appearing for applicants would submit that due to pendency of the proceedings,

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applicants are likely to loose the sub-agency under the Scheme. Moreover, it is argued that during the pendency of the case, the District Sub-Auditor has filed a report to the police on 18.12.2019 informing that during enquiry under Section 88 of the Maharashtra Cooperative Societies Act, 1960, applicants were exonerated.

6. On the basis of prima facie material investigation was complete and charge sheet has been filed. I am afraid to consider the material which has come subsequent to the filing of the charge sheet, that too after 10 years. Perusal of record indicates that the material is sufficient to proceed further. Both the Courts below have rightly considered the said aspect. Besides that there is inordinate delay in challenging the order of rejection of revision and particularly, as of now the trial has commenced, therefore, I do not find any substance in considering the petition, the same is therefore, dismissed.

7. Since the trial is of the year 2003, the

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learned trial Court to endeavor to expedite the same.

JUDGE