

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**38 CRIMINAL APPLICATION NO. 3342 OF 2022
IN CRIMINAL WRIT PETITION NO.1072 OF 2022**

**IQBAL QURESHI MOHD. HUSSAIN
VERSUS
KASHIFA KAUSAR SAYED SIRAJODDIN AND ANOTHER**

Mr. S. S. Thombre, Advocate for the applicant
Mr. Rajendra Deshmukh, Senior counsel a/w Mr. Govind A. Kulkarni, Advocate i/b Mr. Devang R. Deshmukh, Advocate for the respondent Nos. 1 and 2
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th FEBRUARY, 2023

P. C.

1. Heard the learned advocates for the parties.
2. This is an application seeking intervention in the petition. The applicant claims to be the President of National Welfare Trust, Beed it runs a school in which petitioner in Petition No. 1072/2022 was working. The applicant wants to be impleaded as party in the said petition. The case of the applicant is that the school wherein the petitioner was working he has committed misappropriation of rice bags. Said rice bags were given for the purpose of providing it to the school children and therefore the Management is a necessary party. Secondly the

Management is also affected because of the said act and therefore, even the Management has held inquiry on that count also it is submitted that the Management is necessary party.

3. Leaned senior advocate strongly opposed the application. It is submitted that as a matter of fact the applicant who is President is not at all office bearer of the Management. Even affidavit-in-reply is filed by the petitioner. It is pointed out that in fact once Kashifa Kausar Sayed Sirajoddin is President of the National Welfare Trust, Beed then. This applicant is not at all concerned with the Management. The locus of the applicant is seriously under challenge.

4. Having considered the submission and record it is seen that the Management has not filed any complaint. The prosecution is initiated on the basis of complaint filed by Police Constable. If at all the Management desires that the evidence should come in the trial, it is free to produce whatever evidence, inquiry report etc before the Investigation Officer. Since the complaint is lodged by the police it is for the prosecution to prosecute the complaint. So also for deciding the petition, presence of the applicant is absolutely not necessary.

5. This court finds that though the application is filed by the applicant there is no resolution by the Management. There is nothing on record to show that the applicant is

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concerned with the Management. It is not for this court to decide as to whether the applicant is President or not. This court is only concerned with the aspect as to whether the applicant has any locus. In view of the above discussion this court finds that the application does not deserve to be allowed & the applicant has no locus. There is no merit in the application. Hence, the criminal application is rejected.

6. Place the criminal writ petition on board on 15-03-2023.

7. Interim relief, if any granted in the petition to continue till next date.

[KISHORE C. SANT, J.]

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