



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

CRIMINAL WRIT PETITION NO.729 OF 2023

[Vaibhavkumar Ganeshrao Patil ..V/s.. State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr H. R. Gadhia, Advocate for Petitioner.
Mr S. M. Ghodeswar, APP for Respondent No.1/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 11th OCTOBER, 2023.

. By this petition, the Petitioner is seeking directions to the Police to add the offence under Section 3 read with Section 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short, "MPID Act") in Crime No.369 of 2023 registered with Malkapur Police Station, District Buldhana.

2. It is Petitioner's contention that he along with other family members have deposited the amount with Unnati Mahila Nagari Sahakari Patsanstha, Malkapur and the same falls within the "term deposits", as defined under Section 2(c) of the MPID Act. It is further the Petitioner's contention that though there was assurance by the said Patsanstha i.e. Financial Establishment for return of money, but it was not. On said premise, at the instance of Petitioner, aforesaid crime has been registered, but the provisions of MPID Act have not been invoked. The Petitioner has pointed out that he along with some others have already applied to the Investigating Officer for invoking those provisions, but no steps were taken. The Petitioner has made a *prima facie*

case about applicability of MPID Act.

3. We are aware that the Petitioner can agitate his grievance at the time of framing charge. However, we feel that if, investigation is proceeded without invocation of the MPID Act, if applicable, then there would be no sufficient material to substantiate the charge under MPID Act.

4. In view of the above, we hereby direct the Investigating Officer to see the feasibility of invocation of the provisions of MPID Act and take further necessary steps in that regard. Considering the limited issue, we do not feel it necessary to issue notice to the proposed Accused, who has no locus at this stage.

5. The criminal writ petition stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)