



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL WRIT PETITION NO. 1027 OF 2024

MANISH BABAN SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.S. Thombre Advocate for Petitioners.
Mr. S.A. Gaikwad, A.P.P. for Resp. Nos. 1 to 3.
...

**CORAM: SMT. VIBHA KANKANWADI AND
R.W. JOSHI, JJ.**

DATE : 13th NOVEMBER, 2024

ORDER :

1. Learned APP points out Section 11 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act (for short "M.P.I.D. Act") and submits that the petitioner wants to challenge an order of the designated Court and therefore, the appeal is provided under this Section. Learned Advocate for the petitioner submits that in view of prayer clause (C), he has filed the writ petition.

2. Prayer clause (C) to the Petition reads as under:-

“(C) By issuing a writ of mandamus or any directions in the like nature, the Police Stations under this respondent nos. 2 and 3 should not registered further offences in respect of the Ma Jijau Multi State Co-

operative Credit Society Ltd., Beed and for that purpose issue necessary orders.”

3. At the outset, we would like to say that there cannot be a blanket writ of mandamus to be issued to the police stations or respondent Nos.2 and 3 for not to register any offence. In fact if the legal remedy is to file the FIR to any person, then there cannot be a restraint and therefore, grant of prayer clause (C) cannot be considered at all.

4. Learned Advocate for the petitioner then says that in view of the specific provision under Section 11 in M.P.I.D. Act for appeal, he be permitted to convert the Writ Petition in the appeal. The oral prayer is allowed. Conversion is allowed. If the petitioner wants to carry out any amendment pursuant to the conversion, it be carried out within a period of two weeks. Registry is then directed to register the proceedings as Appeal. In that event the Writ Petition stands disposed of.

5. The Appeal so registered be placed before the appropriate Bench, upon circulation to be taken by the learned Advocate.

[R.W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE