



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2461 OF 2023

Dr. Dilip Awachitrao Deshmukh,
Age : 62 years, Occu. : Retired,
R/o. Plot No.8, Sahyadri Nagar,
Garkheda, Aurangabad - 431 001.

... Applicant
(Orig. Accused No.6)

Versus

1. State of Maharashtra,
Through Police Station Officer,
Cidco Police Station, Aurangabad.
2. Dilip Narayan Khokale,
Age : 38 years, Occu. : Service,
At Present - Tribal Development
Commissionerate, Nashik - 422 001.
Mob. : 9922823714
R/o. Malzara, Post Chinchgavhan,
Tq. Hadgaon, Dist. Nanded - 431 712.

... Respondents.

...
Mr. Vikrant S. Palsikar, Advocate for Applicant.
Ms. Kalpalata Bharaswadkar, APP for Respondents - State.
...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 6th AUGUST, 2024

ORDER (PER ABHAY S. WAGHWASE, J.) :

1. In the instant proceedings, present applicant has invoked powers of this court under section 482 of the Code of Criminal Procedure, praying to quash FIR bearing no.238 of 2018 registered at CIDCO Police Station, Aurangabad for offence punishable under sections 420 and 409 r/w section 34 of Indian Penal Code (IPC).

2. Learned counsel for applicant pointed out that, present applicant was superior Government Officer, who has now retired. It is further pointed out that, crime bearing no.238 of 2018 came to be lodged while he was working as Project Officer in Integrated Tribal Development Project, Tribal Development Department, Government of Maharashtra and has served at various places like Aurangabad, Jalna, Beed, Osmanabad and Latur etc. It is submitted that, in the capacity of Project Officer, he was required to implement various schemes approved by Tribal Commissioner for which funds were approved and disbursed. That, he implemented the schemes during the period from 2004 to 2009 of which detailed record was maintained and periodic audit was carried out. However, out of political rivalry, allegations of misappropriation were levelled. It is submitted that, there was no reliable evidence or proper scrutiny before levelling allegations of misappropriation and embezzlement. However, FIR came to be lodged alleging commission of offence under sections 420 and 409 of IPC. It is submitted that, applicant was constrained to seek apply for pre-arrest bail and this Hon'ble Court was pleased to grant the same by order dated 06.04.2023. Learned counsel pointed out that, Government had appointed Fact Finding Committee and Additional Commissioner gave clear opinion suggesting dropping proceedings against present applicant and learned counsel invited attention of

this court to Exhibit-'E' dated 25.04.2022. That, present applicant cannot be blamed and according to learned counsel it was also learnt that Government had also decided to withdraw prosecution against all accused including present applicant as all schemes were duly implemented. Learned counsel submitted that, there is no evidence about any illegality or irregularity was detected at the instance of present applicant and for all above reasons he prays to grant the prayers for quashing.

3. Above application is strongly opposed by learned APP and also took this court through the FIR as well as voluminous documents. She took this court through the report of Committee headed by retired High Court Judge i.e. for detecting alleged illegalities, irregularities and embezzlement.

4. Copy of charge-sheet shows that, as many as seven persons including present applicant are charge-sheeted for commission of offence under sections 420 and 409 r/w section 34 of IPC.

5. Charge-sheet goes to show that present applicant was initially shown to be absconding and therefore, proceedings under section 299 of Cr.P.C. were initiated. Informant seems to be

Assistant Project Officer, who had been authorized by Additional Commissioner, Tribal Development, Nagpur to lodge report based on the Committee / Commission Report. It is alleged that, for a period of 2004 to 2009 present applicant while working in the capacity of the Project Officer committed irregularities while implementing schemes meant for tribal. That, there are allegations of embezzlement to the total tune of Rs.59,30,172/-. Prima facie and admittedly, it is an exchequer's amount. Fact Finding Committee has also conducted detailed inquiry and based on such report, crime is registered.

Considering the nature of allegations, this court does not feel it a fit case to grant relief of quashment. Hence, we proceed to pass the following order :-

ORDER

The criminal application stands rejected.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)