



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

CRIMINAL APPLICATION NO. 3857 OF 2019

1. Rajendra s/o Ramdas Chaudhari,
Age : 59 years, Occupation : Agriculture &
Business,
Resident of Laxminagar, Chalisgaon,
District; Jalgaon.
2. Suresh s/o Ramchandra Swar,
Age : 61 years, Occupation : Business,
Resident of Ramdhan, Netaji Chowk,
Chalisgaon, District Jalgaon.
3. Tukaram s/o Sidappa Gawali,
Age : 65 years, Occupation : Business,
Resident of Shivaji Chowk, Chalisgaon,
District; Jalgaon
4. Vatsala w/o Keshav Kotkar,
Age : 76 years, Occupation : Household,
Resident of Phule Colony, Chalisgaon,
District : Jalgaon.
5. Kishor s/o Uttamrao Deshmukh,
Age : 67 years, Occupation : Business,
Resident of Near Ram Mandir, Chalisgaon,
District; Jalgaon.
6. Sanjay S/o Ramdas Chaudhari
Age : 50 years, Occupation : Business,
Resident of Laxminagar, Chalisgaon,
District; Jalgaon.

7. Alka W/o; Suresh Swar,
Age : 56 years, Occupation : Household,,
8. Maduhkar S/o. Ramchandra Swar,
Age : 70 years, Occupation : Business,
9. Shobha W/o. Madhukar Swar,
Age : 65 years, Occupation : Household,
10. Vishwanath S/o. Ramchandra Swar,
Age : 81 years, Occupation : Agriculture
and Business,
11. Vimal W/o. Vishwanath Swar,
Age : 75 years, Occupation : Household,
12. Bebi W/o. Tukaram Gawali,
Age : 60 years, Occupation : Household,
13. Vaishali W/o. Pramod Gawali,
Age : 40 years, Occupation : Household,
14. Rajendra S/o. Sidappa Gawali,
Age : 55 years, Occupation : Business,

Applicant Nos. 7 to 11 Resident of Netaji
Chowk, Chalisgaon, District Jalgaon.

Applicant Nos. 12 to 14 Resident of
Koyal Krupa, Shivaji Chowk,
District : Jalgaon.

...APPLICANTS

V E R S U S

1. State of Maharashtra
Through Police Inspector,
Chalisgaon Police Station,

Chalisgaon, District Jalgaon.

2. Narayan S/o. Dhruddrao Gadekar,
Age : 50 years, Occupation : Service,
As a Special Auditor, Class-II,
Co-Operative Societies, Chalisgaon,
District : Jalgaon.

...**RESPONDENTS**

3. Chalisgaon Peoples Co-Operative Bank,
Ltd.,
Through its Liquidator,
Chalisgaon, Tq. Chalisgaon,
District : Jalgaon.

Advocate for the Applicants : Mr.L.V.Sangeet
A.G.P. for the Respondents/State : Mr.A.V. Lavate
Advocate for Respondent No. 3 : Mr. P.S.Gaikwad

**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 10.12.2024

JUDGMENT : [PER : SHRI ROHIT W. JOSHI, J]

1. The present Criminal Application is filed under Section 482 of the Code of Criminal Procedure, 1973, (for short “the Cr.P.C.”) by the applicants, challenging Regular Criminal Case No. 328 of 2009 (for short “RCC”) pending before the Judicial Magistrate, First Class, Chalisgaon, District Jalgaon, registered

pursuant to the First Information Report (for short “the FIR”) bearing No. 216 of 2008, filed with the Chalisgaon Police Station, on 19.10.2008, for the offence punishable under Sections 406, 408, 409, 420, 465, 468, 471, 120 (B) and 201 read with Section 34 of the Indian Penal Code.

2. Respondent No. 2 is the informant. He was then serving as Special Auditor, Class-II, the Co-Operative Societies, Chalisgaon, District Jalgaon. He has lodged the FIR on the basis of several irregularities noticed during the course of audit of the Chalisgaon Peoples Co-Operative Bank Ltd. The said Bank is also a registered Co-Operative Society, registered under the Maharashtra Co-Operative Societies Act, 1960.

3. As stated above, the FIR was lodged on 19.10.2008. The RCC was registered pursuant to the said FIR in the year 2009. The present Criminal application was filed in the year 2019 i.e. after the period of 10 years. The record of the case indicates that after the notice was issued in the matter, vide order dated 02.12.2019, it was listed on 13.01.2020 and thereafter, the applicants did not attempt to circulate the matter. The matter was listed after the period of 4 years and 3 months i.e. on 24.04.2024. Thereafter, the matter has

remained pending since it could not reach on two occasions and on one occasion the learned APP sought time.

4. When the matter was called out for hearing today i.e. on 10.12.2024, learned APP informed that the charge is framed in the matter as back as on 27.08.2019 and the matter was pending, for recording of evidence. Our attention has been drawn to the order dated 15.03.2024 to point out that the learned Magistrate has passed an order for expeditious disposal of the matter. We find that the charge framed on 27.08.2019, is also not challenged by amending the application.

5. Since the applicants have approached this Court after a period of around 10 years from lodging of the FIR and filing of the charge-sheet; they did not attempt to circulate the matter for a period of 4 years and 3 months; charge is framed and evidence is being recorded; charge is not challenged by amending the petition and the learned Magistrate has taken upon himself to expedite the trial vide order dated 15.03.2024, we do not intend to exercise our inherent powers vested under Section 482 of the Cr.P.C. The conduct of the applicants dis-entitles them to seek indulgence under Section 482 of Cr.P.C. We do not wish to exercise our

discretionary powers under Section 482 of the Cr.P.C. in favour of the applicants, in view of the facts stated above. In view of the aforesaid, the Criminal Application is rejected.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

mahajansb/