

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.255 OF 2024

Ambabai Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.220 OF 2024

Chandramukhi Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.217 OF 2024

Kulaswamini Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.219 OF 2024

Jitesh Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.218 OF 2024

Kalpataru Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.216 OF 2024

Raju Majur Sahakari Sanstha Maryadit .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.256 OF 2024

Saahasi Majur Sahakari Sanstha Maryadit	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.254 OF 2024

Goldy Majur Sahakari Sanstha Maryadit	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

WITH
CRIMINAL REVISION APPLICATION NO.257 OF 2024

Vithoba Rukmini Majur Sahakari Sanstha Maryadit	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Akhilesh Chaubey a/w. Mr. Akshay Shetty, Advocates for Applicant in all Criminal Revision Applications.
 - Ms. D. S. Krishnaiyer, APP for Respondent – the State of Maharashtra in Criminal Revision Application Nos.255 of 2024; 220 of 2024; 217 of 2024; 219 of 2024; 218 of 2024; 216 of 2024; 256 of 2024 and 254 of 2024.
 - Ms. Sangita E. Phad, APP for Respondent – the State of Maharashtra in Criminal Revision Application No.257 of 2024.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 19, 2024

P.C.:

1. Heard Mr. Chaubey, learned Advocate for Applicant in all Criminal Revision Applications; Ms. Krishnaiyer, learned APP for Respondent – the State of Maharashtra in Criminal Revision Application Nos.255 of 2024; 220 of 2024; 217 of 2024; 219 of 2024;

218 of 2024; 216 of 2024; 256 of 2024 and 254 of 2024 and Ms. Phad, learned APP for Respondent – the State of Maharashtra in Criminal Revision Application No.257 of 2024.

2. These are a group of nine Criminal Applications. Eight out of which are at serial No.6 and ninth one is at serial no.7. Common order is passed in all the nine Applications.

3. Mr. Chaubey appears for Applicant in all the Criminal Revision Applications. In Criminal Applications at serial No.6, Ms. Krishnaiyer, learned APP appears for Respondent – State of Maharashtra and in Criminal Application No.257 of 2024 which is at serial No.7, Ms. Phad, learned APP appears for Respondent – State of Maharashtra.

4. Need and necessity to pass order arises in view of the fact that the impugned order dated 30.11.2023 passed in the Application filed by Revision Applicant seeking defreezing of bank account and appended at Exhibit-D to the Criminal Application No.255 of 2024 refers to say of the Investigating Officer. It is contended by the prosecution in this case that an amount of Rs.123 Crores is involved in the offence. Ironically, CR is registered on 27.03.2015 being CR No.86 of 2015 against Accused – Mumbai District Central Cooperative Bank, its Directors and Officers involved in the alleged offence of Rs.123 Crores. The Investigating Officer has been investigating since 2015

and as a result of which the accounts maintained by Revision Applicants before me in the Mumbai District Central Cooperative Bank have been frozen on 15.02.2022 i.e. after a hiatus of 7 years thereafter.

5. Being aggrieved, Revision Applicants whose accounts have been frozen have filed Applications before the Trial Court seeking defreezing of their bank accounts. Say has been filed by the Investigating Officer to oppose those Applications. I have perused the copy of the say which is dated 18.07.2023 appended at Exhibit-C in Criminal Revision Application No.255 of 2024. In the last unnumbered paragraph on page No.2 the list of several parties has been mentioned therein as they having changed their name and nomenclature to some other names and have wrongly registered workers' name who were not working with them as their workers and have received benefit and funds from the Government and have misappropriated such benefits / funds.

6. Out of the parties which are mentioned in the Report nine parties are before the Court as Applicants in the present Revision Applications. All that I have impressed upon the learned APP for the Investigating Officer is to show the nexus and role of the nine Revision Applicants having done the aforementioned illegal acts resulting in receiving Government benefits and funds as stated in the say of the Investigating Officer. This Court expects the Respondent – Prosecution

i.e. Investigating Officer to place on record the material which has been unearthed by him *qua* the nine Revision Applicants before me. This is so because learned Advocate for Applicants has refuted all contentions of the prosecution case. Such material shall be placed on Affidavit as the impugned order dated 30.11.2023 is completely bereft of the same. All that it says is that the allegation which is stated by the Investigating Officer in his say has been accepted by the Court. The material on the basis of which it is accepted is not discussed at all.

7. In that view of the matter, I call upon Respondent – State to file appropriate Affidavit-in-Reply to justify the indictment, nexus, receipt of Government funds and benefits by the nine Revision Applicants before me separately and place the same on record alongwith the necessary relevant documentary evidence to that effect.

8. Though Mr. Chaubey would submit that ad-interim / interim orders be passed to enable the Revision Applicant to utilise the money in the frozen account for GST purposes, I am not inclined to grant the same at this stage unless the Investigating Officer files his Affidavit as directed. Let the Affidavit-in-Reply be filed within a period of two weeks from today. Investigating Officer to cooperate with learned APPs, give them appropriate instructions and material to enable them to prepare and file the reply on time. Investigating Officer is directed to provide copy of charge-sheet to learned APP.

9. Stand over to 03rd December, 2024.

H. H. SAWANT

[MILIND N. JADHAV, J.]