



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

34 CRIMINAL WRIT PETITION NO. 383 OF 2024

JAIDATTA MAJOOR SAHKARI SANSTHA LTD., THROUGH CHAIRMAN
REKHA DATTATRAY SONTAKKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr. P.R. Katneshwarkar, Sr. Advocate h/f. Mr. R.R. Kazi, Advocate for the petitioners.

Ms. Chaitali Choudhari Kutti, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 11.08.2025

PC :-

01. Heard learned Advocate for the parties. The challenge in this petition is to an order dated 04.01.2024 passed by the learned Additional Sessions Judge, Ambajogai in Revision Application No. 26 of 2022 dismissing said revision. The revision was filed against an order passed by the learned JMFC, Parli Vaijnath dated 28.08.2022, directing the Investigating Officer to make further investigation and rejecting "C" final summary submitted by the Investigating Officer. The learned JMFC held that further investigation is required and rejected "C" summary report. Said order was carried before the learned Sessions Judge. The learned Sessions Judge also confirmed the order. Thus, the petitioners – original accused Nos. 6, 57, 85 and 89 are before this Court.

02. Learned Sr. Advocate for the petitioners vehemently argued that the entire investigation was complete and police thereafter filed "C" summary report. The learned JMFC observed that the investigation is short and more investigation is required. It is submitted that the learned JMFC, however, has passed order without application of mind. The learned Sessions Judge also without properly applying its mind has confirmed the order, requiring interference at the hands of this Court. No sufficient reason is given for not accepting "C" summary report.

03. The learned APP, on the other hand, submits that though the police had carried earlier investigation, the learned Trial Court found that certain aspects are not considered by the Investigating Officer. Without taking the statements of relevant witnesses, "C" summary report was filed. There is siphoning of huge amount of Rs. 4 crores. The fraud is committed in the scheme of the Government, namely, Jalyukta Shivar. Total 24 Government officials and 139 contractors are involved in the scam. Earlier, the report was submitted on enquiry. Total amount of Rs.24,41,692/- was to be recovered from the contractor. She thus prays for rejection of the petition.

04. This Court has gone through the order passed by the learned JMFC. Looking to the magnitude and the amount of work, this Court finds that it was necessary to investigate each and every aspect. It is discussed in the order that the Investigating Officer inspected site along with the informant and recorded that he visited the site and found that the work is completed as per the standard. It is observed that there is nothing to show that the Investigating Officer was assisted by some expert to come to a conclusion that the work was done of standard quality and as per the parameters. From the order passed by the learned Sessions Judge, it is seen that the learned Sessions Judge has also observed that the report of the Investigating Officer is without making sufficient enquiry. Many of the aspects are not enquired into by the Investigating Officer and it is upon that the learned Sessions Judge also found that further investigation is required. The learned Sessions Judge recorded that the report of the Investigating Officer is mainly based upon enquiry with the informant, when the work was mainly related to agriculture. In the present case, though further investigation is directed, it is rightly observed that no direction can be issued to file charge-sheet.

05. Looking to the observations and the material, this Court finds

no merit in the petition. The learned Sr. Counsel expressed his concern of the petitioners that in view of further investigation, they are again apprehending their arrest at the hands of police. Such apprehension can be taken care of by following order :-

- i) This Criminal Writ Petition stands dismissed.
- ii) In case police required custody of the petitioners, the police shall give advance notice of 72 hours to the petitioners, so as to enable them to take proper recourse.

[KISHORE C. SANT, J.]