



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

CRIMINAL WRIT PETITION NO. 493 OF 2025

Madhusudan Bagirath Bajaj .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Dhiraj R. Jethliya, Advocate for the Petitioner.

Mrs. Chaitali Choudhari - Kutti, A.P.P. for the Respondent No. 1.

CORAM : SHAILESH P. BRAHME, J.

DATE : 08TH APRIL, 2025.

FINAL ORDER :

. Learned counsel for the petitioner seeks leave to delete proposed accused, who are respondent Nos. 2 to 22.

2. Petitioner is a depositor and victim, who is claiming refund of his deposits from the respondent Nos. 2 to 22, who are office bears of the Malkapur Co-operative Bank Ltd. Initially he had filed Criminal Application No. 3283 of 2024 before the Judicial Magistrate First Class, Aurangabad. Application was disposed of by rejecting the prayer of referring the complaint for investigation to police, however, directing the petitioner to undergo verification U/Sec. 200 of the Code of Criminal Procedure. Being aggrieved, Criminal Revision Application No. 33 of 2025 was filed. By order dated 04.03.2025 it was disposed of. Petitioner is challenging order passed by the Magistrate on

10.12.2024 as well as revisional Court on 04.03.2025.

3. In fact, the allegations against the respondents/accused are falling in the category of offence prescribed under the provisions of the Maharashtra Protection of Interest of Depositors Act (for short "Act"). As per Sec. 6 r/w Sec. 13 of the Act designated Court has jurisdiction to deal with the offences of the depositors. Petitioner wrongly approached J. M. F. C. by preferring application U/Sec. 156(3) of the Cr. P. C. Realizing this defect, pursis at Exhibit 4 was filed before the revisional Court. Petitioner expected that he would get permission to withdraw his original application or his original application would be transferred to the designated Court as per Sec. 224 of the Bhartiya Nagarik Surakshya Sanhita, 2023.

4. Being aggrieved by the observations of the revisional court, he apprehends that those would be prejudicial in entertaining separate application to set law in motion against the respondents-accused.

5. The respondent Nos. 02 to 22 are proposed accused and they are not necessary party. Considering the stage of the proceeding, neither offence is registered against them, nor any cognizance taking the stage has been arrived at. Therefore, I deem it appropriate to grant leave to delete them from the proceedings of the petition.

6. Considering observations of the revisional Court in para Nos. 4 and 5, it is necessary to clarify the position. Learned counsel for the petitioner on instructions submits that he is ready to withdraw present writ petition, however, he is soliciting directions that his application which is to be made before the designated court shall be decided on its own merits without being influenced by the order passed by the Trial Court as well as the revisional Court.

7. The criminal writ petition is disposed of by permitting the petitioner to approach the designated court by preferring application as permissible in law. In case such if application is presented, then designated Court shall consider it on its own merits without being influenced by the order passed by the J. M. F. C. court on 10.12.2024 in Criminal Mis. Application No. 3283 of 2024 or judgment and order dated 04.03.2025 passed by the revisional Court in Criminal Revision Application No. 33 of 2025. The criminal writ petition is disposed of with above clarification.

[SHAILESH P. BRAHME J.]

bsb/April 25