



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

CRIMINAL WRIT PETITION NO. 1730 OF 2023

Dattatrya Tulshiram Shembale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
CRIMINAL WRIT PETITION NO. 1334 OF 2025**

Dattatrya Tulshiram Shembale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Panditrao S. Anerao, Advocate for the Petitioner in both matters.

Mrs. M. N. Ghanekar, A.P.P. for the Respondent No. 1 in both matters.

Shri N. B. Khandare, Senior Advocate i/by Shri M. P. Tripathi, Advocate for the Respondent Nos. 2 and 5 in Cri. W. P. No. 1730 of 2023.

Shri N. B. Khandare, Senior Advocate i/by Shri M. P. Tripathi, Advocate for the Respondent No. 4 in Cri. W. P. No. 1334 of 2025.

Shri N. G. Naik Thigle, Advocate for the Respondent No. 3 in both matters.

Shri D. V. Katneshwarkar, Advocate for the Respondent No. 4 in Cri. W. P. No. 1730 of 2023.

CORAM : SHAILESH P. BRAHME, J.

DATE : 10TH NOVEMBER, 2025.

FINAL ORDER :

. Heard both sides finally with their consent.

2. In both matters petitioner is original complainant, who is aggrieved by order dated 10.09.2018 passed by the Trial Court rejecting his application U/Sec. 156(3) of the Code of Criminal Procedure Code (for the sake of brevity and convenience hereinafter referred as to the “Cr. P. C.”) and distinct judgment and order dated 16.02.2023 passed by the Revisional Court in Criminal Revision Petition No. 125 of 2018 and Criminal Revision Petition No. 110 of 2018 confirming the order of the Trial Court. Only difference in both the proceedings is that direction to register regular criminal case issued by the Trial Court is quashed in Criminal Revision Application No. 110 of 2018. The net result is that O.M.C.A. No. 329 of 2017 preferred by the petitioner stands rejected out-rightly.

3. Learned counsel Mr. Anerao appearing for the petitioner submits that Revisional Court in the impugned judgment failed to look into the documents showing incriminating role. It is submitted that a strong case is made out showing misappropriation of the funds and the mischief of the respondents-accused and the investigation should have been directed. It is submitted that report dated 16.08.2013 and 27.11.2024 disclose a private vehicle was being shown in the name of different persons and false and bogus bills were raised. It is submitted that there is foundation to infer that twice in a day a bill of consumption of 65 liters for the self same vehicle was raised. Learned counsel has adverted my attention to the

measurement book to show the erasers. It is further submitted that Revisional Court should not have quashed the direction of registration of regular criminal case issued by the Trial Court.

4. Learned senior counsel Mr. N. B. Khandare for the respondent Nos. 2 and 5 in Cri. W. P. No. 1730 of 2023 and respondent No. 4 in Cri. W. P. No. 1334 of 2025 would support the impugned orders. His submissions are adopted by the learned counsels appearing for other respondents. It is submitted that categorical findings are recorded by the Trial Court after considering documents produced by the petitioner after remand. Revisional Court has only confirmed the findings after considering the documents produced on record. It is submitted that the conduct of the petitioner is noticed by the Division Bench. It is further submitted that already competent authority conducted due inquiry and matter was closed vide order dated 19.05.2015, which cannot be doubted. It is further submitted that the measurement report which is sought to be relied upon by the petitioner pertains to the consumption of diesel for generator in a rest house. No case is made out to cause any interference in the impugned judgment and order.

5. The petitioner had filed O.M.C.A. No. 329 of 2017 against accused persons, who are the officers of the P.W.D. at the relevant time alleging that a private vehicle was procured for official work and government funds are embezzled by showing false bills and manipulation of record. After securing

information under the Right to Information Act, petitioner filed complaint relying on the reports. The directions were solicited for registering offence against them.

6. The Trial Court rejected the application vide order dated 19.04.2018. Being aggrieved revision was filed, which was allowed partly and the matter was remanded to the Trial Court for deciding afresh by considering the documents on record. The complainant was permitted to place on record various documents. Those are referred to in the order passed by the Trial Court which is under challenge. By order dated 10.09.2018 application was rejected, but direction was given to register regular criminal case.

7. It reveals from record that a letter dated 22.05.2013 was issued by the Chief Officer exonerating accused. Inquiry report dated 27.11.2014 prepared by the Vigilance and Quality Control Officer was considered. By the government order dated 19.05.2015, the respondent No. 4 - Mr. Bahekar in Cri. W. P. No. 1730 of 2023 was exonerated. No *prima facie* material was found to show the involvement of the accused persons. The findings recorded by the Trial Court are confirmed by the Revisional Court. There are concurrent findings of facts.

8. The Revisional Court also dealt with the documents produced on record by the complainant in confirming the findings of the Trial Court. The Revisional Court has recorded following

findings against the petitioner :

- (i) Certain administrative irregularities regarding fuel bills cannot be equated with the incriminating role.
- (ii) The petitioner has oblique intention in making complaints against the accused persons considering the observations of the Division Bench in P. I. L. No. 97 of 2012.
- (iii) The proceedings are initiated to wreck the vengeance and no material is found to issue the direction for investigation.
- (iv) Having concluded that no material was found for issuing direction of investigation, further direction to put up the matter for verification is unwarranted.

9. Learned counsel for the petitioner is unable to point out any perversity or patent illegality in the findings recorded by the Courts below. The measurement report to which my attention is adverted does not show that it is in respect of use of vehicle in question. The possibility that it is in respect of the diesel consumed for generator of rest house cannot be ruled out. No case is made out to cause any interference in the impugned order. The criminal writ petitions are dismissed.

[SHAILESH P. BRAHME J.]