IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 900 OF 2024

Rajendra Mahadeorao Choudhari and another
.Vs.
State of Maharashtra, through PSO, PS Gadge Nagar, Amravati

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr Chaitanya Barve, Advocate for the petitioners
Ms Prachi Joshi, APP for respondent/State

CORAM : ANIL S. KILOR, J.
DATED : MARCH 17, 2025.

Heard.

2. One Rohini Vitankar, Assistant Registrar Co-operative Societies Grade-I, Bhatkuli, Distt. Amravati lodged a complaint with police station Gadge Nagar, Amravati vide Crime No. 1026 of 2018 against the petitioner for the offence punishable under Sections 23, 39, 42 and 45 of the Maharashtra Money Lending Act, 2014. During the investigation additional Sections 420, 406, 467, 468, 471 of the Indian Penal Code came to be added.

3. The investigation was made by Economic Cell of Crime Branch, who filed the charge-sheet after completion of the investigation and accordingly, Regular Criminal Complaint No. 10 of 2019 came to be registered and in the

said proceeding, the petitioner moved an application Exh. 12 for discharge under Section 239 of the Code of Criminal Procedure, 1973. The application Exh. 12 came to be rejected on the ground that the complainant, who conducted house search of the accused, found several documents showing money lending transactions without license.

4. The learned Magistrate found relevant ingredients of offence under Indian Penal Code in the complaint. The learned Magistrate further observed that there is *prima facie* material available against the petitioner to attract the alleged offence and accordingly, the application was rejected vide order dated 10.03.2023, which was the subject matter of challenge in criminal revision application filed before the learned District Judge-1 and Additional Sessions Judge, Amravati vide Criminal Revision Application No. 51 of 2023. The learned Revisional Court maintained the order of the Magistrate and rejected the revision application. Hence, this writ petition.

5. I have heard the learned counsel for the petitioner and learned APP for the State.

6. The learned counsel for the petitioner submitted that the transaction is of the year 2012 whereas the

Maharashtra Money Lending Act, 2014 came into force on 04.04.2014 and the complaint in respect of the transaction of 2012 was made on 13.10.2018. He, therefore, submits that since the alleged offence is of 2012, the provisions of Maharashtra lending Act 2014 will not apply.

7. The learned APP on other hand opposed the application and submits that the alleged transaction of money lending was continuous one and it was continued even after the Maharashtra Money Lending Act of 2014 came into force. She, therefore, submits that both the Courts below have rightly held that the discharge cannot be granted to the petitioner.

8. In the above referred backdrop, I have perused the record and the impugned orders.

9. No doubt that the alleged transaction is of 2012 and the complaint as regards the same was made in the year 2018, whereas the Maharashtra Money Lending Act came into force in the year 2014. *Prima facie* sufficient evidence is available on record to show the complicity of the petitioner in the alleged offence. There is sufficient evidence to *prima facie* show that the petitioner is a moneylender and having no licence to do the business of money lending. As far as the

transaction involved in the present matter, though it is of 2012, both the Courts below have rightly held that the same was continued even after coming into force of Act of 2014.

10. Since I do not find any perversity or error in rejecting the application of discharge moved by the petitioner, the writ petition is **dismissed.**

(ANIL S. KILOR, J.)

Namrata