



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

CRIMINAL APPLICATION [APL] NO.01 OF 2022

[Rupali d/o Manaji Mujabaile .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G.N. Khanzode, Advocate for Applicant.
Shri Amit Chutke, APP for Non-Applicants/State.

CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
DATE : APRIL 03, 2025.

P.C.

1. In the present matter, the First Information Report, which is in question, was lodged after six years of the alleged incidence, against the applicant.

2. The allegation against the applicant is that while working as Gram Sevak of Gram Panchayat, Dhamangaon, Tahsil-Hinganghat, District-Wardha, she misappropriated the amount meant for construction of well. It is alleged that she did not keep the accounts properly.

3. The chargesheet shows that in a departmental enquiry on the same charges, she was initially held guilty, however, in an appeal filed before the Divisional Commissioner, she was exonerated. In the order, it has observed that even before the First Information Report and initiation of departmental enquiry, the amount of Rs.19,010/- was deposited by the applicant with the department.

4. Today, when the matter was heard, learned counsel for the applicant has pointed out that the Deputy Chief Executive Officer, Zilla Parishad, Wardha, vide communication dated 24.8.2023, now directed to pay back the amount of Rs.19,010/- to the applicant in view of the order passed by the Additional Commissioner.

5. In that view of the matter, since the applicant has been exonerated from the same charges in the departmental enquiry, in view of the judgment in the case of *Radheshyam Kejriwal .vs. State of West Bengal and another*, reported in (2011) 3 SCC 581, the trial cannot be allowed to continue.

6. In the circumstances, the application is allowed in terms of prayer Clause (i).

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)