



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

CRIMINAL APPLICATION (APPW) NO. 75 OF 2024

IN

CRIMINAL WRIT PETITION NO. 16 OF 2024

Nirmal C-operative Society, through General Manager Sau. Nanda D. Bante

Vs.

The State of Maharashtra, through its Secretary, Department of Home & Ors.

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

Court's or Judge's orders.

Mr. Bhushan Dafle, Advocate for the Petitioner.

Mr. S.S. Doifode, APP for Respondent Nos.1 & 2/State.

Mr. Firdos T. Mirza, Senior Advocate a/b. Ms. Neerja Choube, Advocate
for Respondent No.3.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : 18th NOVEMBER, 2025.

Heard.

2. For the reasons set out in the application, the application is allowed and disposed of. The petitioner shall add applicant as party respondent No.4 and serve copy of petition to him.

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3. The remark of the Registry indicates that Ms. Choube, learned counsel, has neither filed Vakalatnama on behalf of respondent No.3 nor filed reply in terms of order dated 6th November, 2025.

4. Ms. Choube, learned counsel, submits that she made an attempt to file a memorandum of appearance; however, the Registry did not accept the same.

5. On this count, the counsel appearing before us have invited our attention to Schedule VII, Chapter XXXII of the Bombay High Court Appellate Side Rules, 1960. The third proviso to sub-rule (2) of Rule 2 provides as under:

“Provided further that when any Advocate appears on behalf of Government or any public servant suing or sued in his official capacity, it shall be sufficient for him to file a memorandum of appearance.”

6. Thus, the advocate appearing on behalf of Government is empowered to file a memorandum of appearance. In other words, the Registry should not impress upon filing Vakalatnama.

7. The Registry shall act accordingly in all the matters.

8. Mr. Mirza, learned Senior Counsel appearing for respondent No. 3, submits that upon communication received from the Commissioner of Police, respondent No.3 responded *vide* communication dated 18th September, 2023, stating therein that to lodge FIR against the Society under question, no permission or complaint from the office of respondent No.3 is required to initiate legal action in case of criminal misconduct. Respondent No.3 stated that, as per the provisions of the Multi-State Cooperative Societies Act, 2002 and the Rules made thereunder, such permission is not required.

9. Despite such status, the Commissioner of Police has not taken any action is what emerges from the correspondence.

10. List on 20th November, 2025.

(RAJ. D. WAKODE, J.)

(ANIL L. PANSARE, J.)

Vijaykumar