IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION (ST.) NO.123 OF 2026
WITH
CRIMINAL APPLICATION NO.49 OF 2026

Bhagwan s/o Shekuji Chavan ….APPLICANT

VERSUS

1. The State of Maharashtra,
   Thr. the Police Inspector,
   Police Station Bhagyanagar,
   Nanded, Tq. and Dist. Nanded

2. Jayshree w/o Shivkumar Dawangave
3. Shivkumar s/o Tukaram Raut
4. Suvarnamala w/o Bhagwan Chavan ….RESPONDENTS

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Mr N. R. Solunke, Advocate For Applicant
Mr A.A.A. Khan, APP For Respondent No.1/State
Mr Umesh Mitkari, Advocate For Respondent No.2
Mr Ashish B. Shinde, Advocate For Respondent No.3
Mr Vinod D. Godbharle, Advocate For Respondent No.4

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 01st OCTOBER 2026

ORDER :-

CRIMINAL APPLICATION No.49 of 2026

1. This is an application for condonation of delay of 271 days in filing the instant Criminal Revision Application, challenging

the impugned order dated 24/12/2024, passed by the learned Additional Sessions Court, Nanded, whereby the application under Section 227 of the Code of Criminal Procedure (CrPC) for discharging the applicant came to be rejected.

2. Heard the learned Advocates for the respective parties.

3. Perusal of the application shows that the delay has been properly explained, and therefore, for the reasons stated therein, the application is allowed. The delay is condoned. This criminal application is disposed of accordingly. The Criminal Revision Application is registered and the same is taken up for hearing.

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4. Heard learned Advocate Mr. Solunke for the applicant; Mr. Khan, learned APP for respondent No.1/State; Mr. Mitkari, learned Advocate for Respondent No.2; Mr. Shinde, learned Advocate for Respondent No.3 and Mr. Godbharle, learned Advocate for Respondent No.4.

5. The applicant is challenging the impugned order dated 24/12/2024, passed by the learned Additional Sessions Judge, Nanded

below Exh.33 in case bearing MPID No.01/2017, whereby his application for discharge under Section 227 of the Cr.P.C for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, came to be rejected.

6. Respondent No.2/original complainant lodged a complaint bearing Crime No.224/2016 on 28/09/2016. In pursuance of the said Crime, the offences under Sections 406, 420 read with Section 34 of the Indian Penal Code came to be registered against the present applicant alongwith other two accused persons, namely, Shivkumar s/o Tukaram Raut, brother-in-law of applicant, and Suvarnamala Chavan, wife of applicant. The present applicant is accused No.3 in the said crime. In pursuance of the said crime, an investigation was conducted and a Charge-Sheet No.01/2017, by adding Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short 'MPID Act'), came to be filed.

7. Being aggrieved by his inclusion as an accused in the charge-sheet, the applicant had preferred an application under Section 227 of the Cr.P.C. for his discharge from the said crime, before the learned Sessions Court on 09/08/2019, contending that he is not at all concerned with the crime under question and he has been deliberately

implicated in the alleged crime. Learned Additional Sessions Judge, Nanded rejected the said application of the applicant vide the impugned order dated 24/12/2024.

8. Hence, being aggrieved by the aforesaid impugned order dated 24/12/2024, passed by the learned Additional Sessions Judge, Nanded, the applicant has approached this Court by filing the instant revision application under Section 397 of the Cr.P.C. praying for his discharge from the aforesaid crime.

9. Learned Advocate for the applicant submits that the applicant is a public servant and he has no concern with the alleged crime. He submits that the applicant is falsely implicated, as there is no material against him to show his role in the said crime. He further submits that, at the relevant point of time, the applicant was posted at another destination, and as such, he was not available on the alleged dates at the spot, as pointed out by the complainant and witnesses, and therefore, he has no concern with the alleged crime.

10. Learned Advocate for the applicant further submits that, the prosecution has erroneously invoked the provisions of the MPID Act against the applicant. He contends that, by no stretch of

imagination, can the applicant or the co-accused be implicated in the alleged offence, and that the provisions of the MPID Act are completely inapplicable in the instant crime. Thus, he submits that the applicant came to be implicated in this crime on false and fictitious grounds, without any material against him, on record. He then submits that the applicant was working as a Police Head Constable and he has absolutely no concern with the alleged transactions of accused No. 1. There is no material at all against the applicant for constituting the offence as alleged by the prosecution. He further adds that the entire material on record suggests that the alleged amount was given by the complainant to accused No.1 and the present applicant, being accused No.3, absolutely has no knowledge or concern with the said amount. Thus, according to the learned Advocate for the applicant, the entire documents and record which are part of the charge-sheet are not at all sufficient for proceeding against the applicant, and the applicant is therefore entitled to discharge from the charges levelled against him.

11. Learned Advocate for the applicant further submits that the learned Sessions Court, while deciding his application for discharge under Section 227 of the Cr.P.C., has not considered the

aforesaid aspects and has committed a grave error in law, thereby rejecting the said application.

12. Learned Advocate for the applicant, in order to support his submissions, takes this Court through the various statements of the witnesses. According to him, the said statements cannot be taken into consideration to arrive at a conclusion as to whether the applicant is involved in the instant crime or not. He further submits that, while the prosecution is duty-bound to conduct a fair investigation, the investigation papers in this case have been manipulated to falsely target the applicant. Therefore, according to him, the applicant deserves to be discharged from the aforesaid crime and the impugned order, being illegal, is liable to be quashed and set aside. He, therefore, prays for allowing the present revision application by discharging the applicant from the instant crime.

13. Per contra, Mr. Khan, learned APP strongly opposes the instant Criminal Revision Application. He submits that the learned Additional Sessions Judge has rightly arrived at a conclusion that the applicant is involved in the instant crime and has rightly rejected his application for discharge. He further argues that the material collected by the Investigating Officer in the form of statements of as many as 17

witnesses, namely, Sagar Rameshrao Deshmukh, Smt. Seema Dhananjay Shinde, Dhananjay Anandrao Shinde, Smt. Chandrakala Ganpatrao Ghorkatte, Smt. Surekha Champatrao Arsule, Smt. Sulochana Govind Muneshwar, Vijay Pandurang Rawale, Manoj Vitthal Muneshwar, Smt Padma Piraji Gaikwad, Smt. Ranjana Ashok Kendre, Milind Govind Muneshwar, Vitthal Maruti Muneshwar, Manojkumar Shrawan Divekar, Smt. Chandrakala Vitthalrao Muneshwar, Madhukar Kishan Purnekar, Bhagwan Jayantrao Tatipamde and Smt. Sojrabai Nagorao Sonkamble, suggest that not only accused No.1, but the present applicant, being the husband of the main accused, was instrumental in collecting, demanding, and receiving the amount from the various depositors. Therefore, according to him, the applicant cannot be said to be not involved in the crime, and as there is sufficient material against him, the learned Sessions Court has rightly rejected his application for discharge. He, therefore, submits that the impugned order passed by the learned Sessions Judge is correct and proper and requires no interference by this Court. He, therefore, prays for dismissal of the present revision application.

14. Learned Advocates for Respondent Nos.3 and 4(co-accused) are also heard. They also support the submissions of the learned Advocate for the applicant and submit that there is no material against the applicant. They further submit that, it was not appropriate for the learned Additional Sessions Court to reject the application of the applicant, as he was not involved in the instant crime. They also submit that, invoking the provisions of the MPID Act is totally contrary to the law, as in the given case, the provisions of the MPID Act cannot be made applicable. They, therefore, pray that the impugned order be quashed and set aside and the present revision application may be allowed.

15. Learned Advocate for respondent No.2/complainant strongly opposes the instant application. He reiterates the submissions of the learned APP and submits that, not only the co-accused wife of the applicant, but the applicant himself was very instrumental in contacting, as well as talking to the depositors. He then submits that, it was also found that the applicant was misusing his position as an employee in the Police Department. He also submits that, there are statements of the witnesses as regards threatening them for implicating in false cases, and as such, the applicant is equally liable for

prosecution at par with the co-accused persons. He, therefore, prays for rejection of the instant Criminal Revision Application.

16. After hearing the submissions advanced by the learned Advocates for the respective parties, I have gone through the entire record placed before the Court. On perusal of the record, it has been found that the applicant is one of the accused along with the co-accused persons i.e. his wife and brother-in-law, who are being prosecuted for offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code. They won the trust of the informant and other investors, obtained substantial amounts from them under the assurance of high returns, and upon maturity, when the informant and other investor demanded their money back, they evaded their liability and committed a grave offence. The Investigating Officer has also invoked the provisions of the MPID Act as the crime has disclosed that various persons or depositors were called to invest the amount in the scheme/BC, being operated by the accused persons.

17. It is also required to be noted that, during the aforesaid financial transactions, not only the wife of the applicant used to talk to the depositors, but even the present applicant had also been found to be in touch with the depositors. He was also used to communicate with

the depositors for collecting the amount and threatening them of implicating in false cases. Thus, the applicant cannot be said to be not involved in the instant crime.

18. Perusal of the statements of witnesses, pointed out by the learned APP Mr. Khan, particularly the statements of 17 witnesses, reveal the role of the present applicant in the instant crime. After having gone through the said statements of the witnesses, it is manifestly clear that they have named the present applicant and also attributed a specific role to him. Therefore, at this stage, it cannot be said that the applicant is not at all connected with the instant crime. When so many witnesses are coming forward and stating against the applicant, it also cannot be said that he has been falsely implicated in the instant crime. The crime in question was registered on the basis of a report dated 28/09/2016, concerning the alleged offence that had been ongoing for four years prior to the lodging of the report.

19. This Court, at this stage of exercising its revisional jurisdiction under Section 397 of the Cr.P.C, is required to examine whether the Trial Court, while dealing with the application under Section 227 of the Cr.P.C., has properly exercised its jurisdiction and whether the impugned order suffers from any illegality, impropriety or

incorrectness. However, as regards the incriminating material against the applicant available on record, this Court is of the opinion that this is not a proper case to entertain this revision application under Section 397 of the Code of Criminal Procedure.

20. The applicability of the MPID Act is another aspect which, at this stage, this Court is not empowered to deal with. The accused can approach the appropriate forum questioning the said applicability of the MPID Act.

21. Having found the applicant to be involved in the instant crime, in my opinion, the learned Sessions Judge has rightly passed the impugned order by rejecting discharge application of the applicant. There is no illegality or perversity noticed in the order passed by the learned Sessions Judge. The same being correct and proper, this Court is maintaining the said order. Hence, the present Criminal Revision Application is dismissed. The learned Sessions Court to proceed with the trial against the applicant, in accordance with law.

[SUSHIL M. GHODESWAR, J.]

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