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

CRIMINAL APPLICATION (APL) NO. 260 OF 2026

APPLICANT :- Ravindra Deviprasad Jaiswal, Aged about 58 years, Occupation : Nil, R/o Jaiswal Plaza, Sangan Chowk, Buldhana, Tah. & District Buldhana.

..**VERSUS**..

RESPONDENT :- Buldhana Urban Co-operative Credit Society Ltd., Having its Head Office at Buldhana, through its Authorized Officer/ Loan Superintendent Prashant Kulkarni, R/o Buldhana, Dist. Buldhana.

Ms Radhika Bajaj, counsel for applicant.
Mr. J.B. Kasat, counsel for respondent

CORAM : **PRAVIN S. PATIL, J.**
DATE : **24/02/2026**

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith.

2. Applicant by way of present application seeks indulgence in the pending Summary Criminal Case No. 1011/2013 before Judicial Magistrate, Buldhana on the ground that, Magistrate committed an grave error by rejecting the application filed by him for dismissal of complaint.

3. Applicant who is accused in the proceeding filed by the

Respondent/Bank under Section 138 of Negotiable Instrument Act, filed application on 09/02/2006 for dismissal of complaint on the ground that person who filed complaint on the behalf of bank did not filed concrete piece of evidence to show that he is duly authorized to file complaint. Bank failed to produced any documentary credible evidence to prove existence of legally enforceable debt. Instrument in question i.e. cheque is tampered.

4. Learned trial Court by its order dated 10/02/2026, rejected the application by holding that at the time of verification of complaint the Court has verified the fact that certified copy of resolution was filed authorizing the person to file complaint. In respect of submission not a legal debt, tampering of cheque held that unless and until evidence is adduced by the parties, Court cannot reach to any conclusion in the matter. Hence, by recording cogent reasons rejected the application by order dated 10/02/2026.

5. Applicant against the order dated 10/02/2026 approached to this Court by raising new ground that, as per the averments of complaint, it is stated that complainant bank had been converted from Buldhana Urban Credit Cooperative Society into a Multistate Cooperative Society under the provisions of Multi-State Cooperative Societies Act. Despite such conversion, the alleged cheque in question purportedly issued in the year 2012 bears the name “Buldhana Urban Credit Cooperative Society”. According to applicant conversion of society took place in year 2008 and cheque in question of year 2012, hence it raises a serious doubt about the cheque in question. Therefore, indulgence of this Court is solicited in the matter.

6. Learned counsel for the respondent Bank has vehemently opposed the application. It is submitted that there exist a prescribed

statutory procedure for conversion of a cooperative society into a Multi-State Cooperative Society and upon such conversion the assets and liabilities of the society continue unaffected. Merely because the society is upgraded or converted, the existing liabilities do not stand extinguished. A loan disbursed by the erstwhile cooperative society or a cheque issued towards discharge of a subsisting liability does not loose its legal sanctity or enforceability on account of such conversion.

7. Learned counsel further contented that the issue raised by applicant involves disputed question of fact which require adjudication by the trial Court upon appreciation of evidence lead by both parties. At this stage of matter, this Court cannot opined that cheque in question loose its sanctity merely on the ground that society was converted into Multi-State Cooperative Society.

8. In the light of the submission of parties, Section 22 of the Multi-State Cooperative Societies Act is relevant. This provision no where states that after conversion of the Cooperative Society into a Multi-State Cooperative Society, all the transactions of the society are became null and void. So also, there is no express provision that transaction done by the society before the conversion loose its validity.

9. It is further pertinent to note that, this issue is first time raised before this Court. There is no adjudication on this issue by trial Court. As such, in my opinion, applicant can raised all the issue before trial Court, during trial.

10. It is further seen that complaint is pending on the file of trial Court, since year 2013. Applicant appeared before Trial Court in the year 2023. As such, trial Court is taking effort to see that complaint be disposed off as expeditiously as possible.

In the circumstances, considering the overall facts and events of the matter, I am not inclined to interfere with the matter. Hence, the application stands **dismissed.** No order as to costs.

(PRAVIN S. PATIL, J)