

MHSN030000402021



ORDER BELOW EXH. 1 IN C.R.I.M.A. No. 42/2021
(Milind Khadilkar & Ors v. Datta Indian Pvt. Ltd)

1. The complainants have submitted present complaint against in all four accused under Section 417, 420, 427 read with Section 34 of the Indian Penal Code (IPC). Brief facts of the complaint are as under.

2. The complainants are prominent farmers. They raise sugarcane crops in their agricultural field. They send their sugarcane at sugarcane factory under the aegis of Datta India Pvt Ltd Company. Complainants are the sugar grower members of the said company. Accused obtained said sugar factory on rental basis. Accused No. 1 and 2 are proprietor of the said company, accused No. 3 is CEO and accused No. 4 is the Managing Director of the said company. In the year 2020-21 seasonal sugarcane was ripened with complainants. Accordingly, they were given pass by the said factory for supplying of sugarcane for preparation of sugar. Accused were supposed to provide the amount as per FRP against the sugarcane. But they failed to provide the amount on price. Complainants issued notices to them through their advocates but accused failed to pay the amount. Hence, this complaint.

3. The complainant tendered verification at Exh. 6 on oath before my learned predecessor. This court was pleased to issue direction to the concerned police station for holding an investigation under Section 202 of Code of Criminal Procedure (Cr. P.C). Perused the report of the officer in-charge of police station, Sanjaynagar Police Station, Sangli.

4. He states that, the statements of witnesses have been recorded by him. He concluded that, in the year 2020-21 the amount of FRP against

the sugarcane to complainants have been tendered in the respective accounts maintained at District Cooperative Bank, Sangli. According to the learned advocate of the complainants, accused failed to provide interests to the complainants within the purport of Rule 3A of the Sugarcane Control Order, 1966. But complainants failed to mention the amount of interest or fact of interest in the complaint. Therefore, the citation i.e. in *Pavan Ramkishan Chandak v. State of Maharashtra*, decided on 17/02/2020 of Honourable Bombay High Court, on which the complainants are relying cannot be proved helpful to the complainants unless they state and satisfy about violation of norms of interest by accused. As of now, there is nothing in the complaint in parity with the report of police officer under Section 202 of Cr.P.C. for passing any order under Section 204 of Cr. P.C. It would be too coercive to dismiss this complaint at the very threshold under Section 203 of Cr. P.C without giving any opportunity to complainants for launching protest or say against the report. Resultantly, I proceed to pass following order.

ORDER

Complainants to say as to the report of police officer under
Section 202 of Cr.P.C or file protest if any.

Date :- 13th October 2022.

(Wahab A. Syed)
3rd Jt Civil Judge, Jr. Dn. Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- A.P.Patil.
Name of the Court :- 3rd Jt. Civil Judge Jr. Dn & J.M.F.C., Sangli.
Date of decision :- 13.10.2022
Order signed by P.O. on :- 13.10.2022
Order uploaded on :- 13.10.2022