

RCC No. 147/2002
State of Mah.
..Vs..
Sunil Kedar & Ors.

ORDER PASSED BELOW EXH.1
(Passed on 30/04/2024)

Perused the chargesheet and heard the learned Spl. P. P. Today, the accused and his learned counsel are absent. One exemption application has been handed over by their clerk to the bench clerk of this Court which has already been rejected. Considering the conduct of the accused and his learned counsel, it is seen that they are not interested to argue the matter. Ample opportunities have been given to the accused for hearing before framing of charge but he has failed to avail the same. Hence, it is proceeded without hearing of the accused.

2. The learned Spl. P. P. has submitted that there is ample material on record to demonstrate the involvement of the accused No.3 in the alleged offence. The accused No.3 alongwith other co-accused has committed the alleged offences. There is ample material on record to show that the accused has common intention to commit the alleged offences and has committed the same.

3. Perused the chargesheet and its annexures. The material on record prima facie shows the involvement of the present accused No.3 in commission of the alleged offences. At this stage, there is sufficient material to frame the charge against the accused under Sections 120(B), 406, 409, 468, 471 read with section 120(B), in alternative read with Section 34 of Indian Penal Code. The material on record further shows that the accused No.3 alongwith other co-accused had mens rea to form a

criminal conspiracy of withdrawing the money of Nagpur District Central Co-operative Bank by obtaining sanction for withdrawal of such amount by using illegal means obtained the same from the headquarter of the bank at Nagpur. Hence, I hold that this is a fit case for framing of charge against the accused and to proceed with trial. Accordingly, the following order is passed :-

ORDER

The matter is proceeded further for framing of charge against the accused No.3 Sanjay Hariram Agrawal.

Nagpur.

Date : 30/04/2024

(S.Z. Khan)

2nd Addl. Chief Judicial Magistrate
Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are same word to word as per original order.

Name of Stenographer : G.A. Joshi (Grade-I).