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BEFORE THE HON'BLE JUDICIAL MAGISTRATE, FIRST CLASS,

2<sup>nd</sup> COURT, WARDHA.

68-72

Cri. Complaint case NO. 3384/02.

P. F. 19/03/2012.

Wardha District Central Co-operative Bank  
Limited, Wardha.

...V/S....

Sanjay Hariram Agrawal & 10 others.

Put up for hearing  
on next date on  
oral request of  
counsel for  
complainant.

Therak  
19/3/12

APPLICATION TO DISCHARGE THE DIRECTORS NO.2 to 11  
FROM THE ARRAY OF TITLE AND FOR ADDITION OF REGISTERED  
LIMITED COMPANY i.e. HOME TRADE LIMITED, REGISTRATION  
NO.25-14018 BEING REGISTERED BROKERS THROUGH ITS  
DIRECTORS AND AUTHORISED SIGNATORY SANJAY HARIRAM  
AGRAWAL, HOME TRADE LTD, NAVI MUMBAI.

The complainant begs to submit as under:-

1. That the complainant has filed the instant complaint seeking punishment of the accused persons under section 138 of Negotiable Instrument Act and to compensate the loss according to Law. That the complainant has inducted all the directors as accused persons of the Home Trade Limited a company registered under the company act and the accused NO.1, is the broker. The said company is registered as broker in Bombay Stock Exchange as well as National Stock Exchange and is duly registered with securities and Exchange board of INDIA.

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For The Wardha District Central  
Co-operative Bank Ltd. WARDHA  
Chief Executive Officer

Heard counsel for complainant who submitted. There is expert opinion that signature of Sanjay Agrawal on cheque. Therefore, he wants to proceed with this complaint against accused no. 1 being director of company re. Home Trade Property Hld and he wants to add this title to main complaint. If present application is allowed no prejudice will be caused to any party as Sanjay Agrawal already joined at the time of filing complaint. Counsel for complainant wants to discharge accused no. 2 to 11 from this complaint and want to joined

A company registered under the company law re. Home Trade Hld as accused no. 2.

hence application is allowed.

Permission is granted to add accused no. 2 in the title and accused no. 2 to 11 are hereby discharge from array of accused in title of complaint. Complainant to carry out amendment to that effect.

J. Verma

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2. That the complainant as per instructions of accused NO.1 made payment of Rs.25,24,72,000/- for purchase of GOI- 2015 and interest thereon by Transfer on 16/03/2001, in the companies account bearing NO.17031 with Maharashtra State Co Op- Bank Limited Mumbai and thereafter inspite of the instant of complainant for withdrawal of said investment the accused Sanjay Hariram Agrawal did not made repayment and thereafter the cheques of repayment was issued under the signature of authorised signatory Sanjay Agrawal the accused NO.1. Those cheques were returned unpaid and after making the compliance the instant proceeding was launched by the complainant.

3. It is submitted that in respect of the same matter there was First Information report at police station Wardha on the basis of which crime branch Wardha commenced the investigation into the crime, and during investigation the cheques issued by the accused NO.1 was sent to State examiner of documents C.I.D. Maharashtra State Nagpur and it was reported by State examiner of Documents that all the cheques which

For The Wardha District Central  
Co-operative Bank Ltd. Wardha  
Chief Executive Officer

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were returned unpaid have been signed by the Sanjay Hariram Agrawal as authorized signatory of registered company i.e. Home Trade Limited company registered under the company Law and it was also observed during investigation that Sanjay Hariram Agrawal was as director of the company was incharge and responsible for the conduct of the business of the company. and accused NO.2 to 11, did not signed any bx cheques.

For The Warden District Central  
Prison, Warana  
Chief Executive Officer

For The Warden District Central  
Prison, Warana  
Chief Executive Officer

4. In the above circumstances it is submitted that, the accused NO.2 to 11 need not be proceeded with and liability is to be fastened on.

- Sanjay Hariram Agrawal and the Registered company Home Trade Ltd.

5. In the light of these circumstances it is submitted that, the company "Home Trade Limited" may be inserted as accused NO.2 with discription as under:-

Accused NO.2:- Home Trade Ltd,  
A company registered under the company Law and registered as Stock Brdker on Bombay Stock Exchange, Bombay and National stock Exchange, also registered with securities and Exchange board of India,



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through,  
Its authorised signatory and Director,  
Sanjay Hariram Agrawal,  
Tower IV, 5 th Floor Vashi Railway  
station complex Navi Mumbai 400 705.

It is submitted that the accused NO.2 to 11.

in the light of settled legal position may  
kindly be discharged and prosecution may kindly  
be proceed against accused NO.1 & 2 only.

PRAYER :-It is therefore, prayed that this Ho'ble  
court may kindly be pleased to discharge  
the accused NO.2 to 11, from the array  
of title and for addition of Registered  
Limited company i.e. Home Trade Limited  
Registration NO. 25-14018 being registered  
broker through its Director and authorised  
signatory Sanjay Hariram Agrawal, Home  
Trade Limited, Navi Mumbai.

For The Wardha District Court  
Company Bank Ltd. WAR

Wardha,

Dt:- 19/03/2012.

Chief Executive Officer  
Complainant,

Counsel for complainant.

" AFFIDAVIT "

I, Anun Gangadharrao Muddeshwar C.E.O aged 51 years  
Occ:- Service, r/o Wardha.  
make oath and state on solemn affirmation that  
the contents of this application are true to  
my personal knowledge and belief and those are



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correctly drafted by my counsel as per my say and the same are read over and explained to me and I understood the same to be true and those of law are true from information received and believed to be true.

Hence verified and signed at Wadha on this 19 th day of March- 2012 .

For The Wardha District Central Co-operative Bank Ltd. V. ...

*[Signature]*  
Deponent.

I know the deponent. He has signed in my presence.

*[Signature]*  
( R.M. Guru )  
Adv. Wardha.

Solemnly sworn before me on this 19th March, 2012 by Smt Anuradha ...  
witness by ...  
Smt R.M. Guru ...  
maddur ...  
R10 Wardha.  
T90 Wardha.

*[Signature]*  
19/3/12

CLERK  
M.P.C. WARDHA

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Copy of Exh. 72 (page 6) 6x4 = 24/-

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comparing 12.6.24

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WARDHA  
Dt. 12.6.24