

In view of order passed by the Hon'ble Bombay High Court, Bench at Aurangabad in Criminal Revision Application No.366 of 2025, Dtd.11.12.2025 and as per order passed below Exh.1 today, the charge framed below Exh.641 is re-framed as under :-

CHARGE

I, Pradnya V. Medhe, Addl. Chief Judicial Magistrate, Osmanabad hereby charge you accused -

3. Vinayak Digambar Malvade,
Age-76 Years, Occu.-Retired,
R/o. Saraswati Niwas, Patel Chowk,
Teli Galli, Latur.
4. Harischandra Kashinath Tambe,
Age-75 Years, Occu.-Retired,
R/o. Veer Sawarkar Chowk, Shalu Galli,
Bhoom Tq.Bhoom, Dist.Osmanabad.
5. Shivaji Bhaurao More,
Age-78 Years, Occu.-Retired,
R/o. Rajiv Gandhi Nagar, Osmanabad.
7. Sanjay Hariram Agarwal,
Age- 60 Years, Occu.Business,
R/o.7 Harisabha Street, Khedarpur,
Calcutta-23.
8. Subodh Chanddayal Bhandari,
Age-60 Years, Occu.-Service,
R/o. 1202 Ariyana, Devnar Pada road,
Chembur, Mumbai 400 088.
9. Nandkishor Shankarlal Trivedi,
Age-58 Years, Occu.-Advocate,
R/o.6 Khandubhai Desai Road,
Vile Parle, (West), Mumbai 56.

10. Sunil Chhatrapal Kedar,
Age-64 Years, Occu.-Agriculture,
R/o.Patansavangi Tq.Savner Dist.Nagpur.

as follows :-

1. That you accused above named along with deceased accused No.1 Bhupalsing @ Pawan Santajirao Rajenimbalkar, Chairman, Osmanabad District Central Co-operative Bank Ltd., Osmanabad, deceased accused No.2 Arun Jivanrao Deshpande and deceased accused No.6 Babu Nivrutti Thorat, Main Officers of said Bank, on or about 29/01/2002 at Osmanabad and Mumbai had agreed to do or cause to be done an illegal acts, namely, criminal breach of trust, making false documents, using them as genuine documents and ultimately to cheat the said O.D.C.C. Bank for Rs.30 crores and besides the above agreement, did acts i.e. committed criminal breach of trust, cheated said Bank in pursuance of such agreement etc. and thereby committed offence punishable u/s. 120B of Indian Penal Code and within my cognizance.

2. That you accused Nos.3 to 5 and deceased accused Nos.1, 2 and 6 on or about 01/02/2002 at Osmanabad, being officers of O.D.C.C. Bank and in the way of business as bankers, were having dominion over Rs.30 crores received from Nagpur District Central Co-operative Bank Ltd., Nagpur as a deposit, in furtherance of common intention of you accused Nos.1 to 6, committed criminal breach of trust in respect of said 30 crores and thereby committed offence punishable under section 409 r/w. 34 of I.P.C. and within my cognizance.

3. That you accused Nos.7 to 9 being Directors or office bearers of Home Trade Ltd. Washi, New Mumbai, a company unauthorizedly dealing with Government Securities, on or about 01/02/2002 at Mumbai, being entrusted with 30 crores by Osmanabad District Central Co-operative Bank Ltd., Osmanabad for purchasing Government Securities, in furtherance of your common intention and in furtherance of common intention with accused No.10, dishonestly misappropriated and committed criminal breach of trust in respect of said Rs.30 crores and thereby committed an offence punishable **under section 406 r/w. 34 of IPC** and within my cognizance.

Alternatively, that you accused Nos.3 to 5 and 7 to 10 on or about 01/02/2002 along with deceased accused No.1, 2 and 6 at Osmanabad and/ Or Mumbai, in furtherance of common intention of you all accused including deceased accused, defrauded and cheated Osmanabad District Central Co-operative Bank Ltd., Osmanabad, by fraudulently and or dishonestly inducing the said bank to deliver 30 crores belonging to that bank and thereby committed an offence punishable **under section 420 r/w. 34 of IPC** and within my cognizance.

4. That you accused Nos. 7 to 9 during the period from February to May 2002 at Mumbai, in furtherance of your common intention, forged certain documents, viz, contract notes in respect of Government Securities, namely, Bihar SDL 2110, Sikkim 2090, Nagaland 2007, M.P.SDL 2007 and M.P.SDL, total worth Rs.29,99,34,591/- intending that they shall be used for the purpose of cheating Osmanabad District Central Co-operative Bank Ltd., Osmanabad and thereby committed an offence punishable under section 468 r/w. 34 of IPC and within my cognizance.

5. That you accused Nos.7 to 9 during the period from February to May 2002 at Osmanabad and Mumbai, in furtherance of your common intention, fraudulently and / or dishonestly used as genuine the aforesaid contract notes which you knew or had reason to believe, at the time when you used it, to be forged documents and thereby committed an offence punishable under section 471 r/w. 34 of IPC and within my cognizance.

6. That you accused Nos. 3 to 5 and deceased accused Nos.1 , 2 and 6 after two meetings of Board of Directors of Osmanabad District Central Co-operative Bank Ltd., Osmanabad held on 08/02/2002 and 11/03/2002 respectively at Osmanabad, in furtherance of your common intention, forged certain documents, viz, proceeding Register of said meetings showing discussion and passing of resolution on the subject of purchase of Government Securities through Home Trade and approval to that purchase when, in fact, no such discussion was held nor passed any such resolution, and said forged documents was with an intention that they shall be used for the purpose of cheating and thereby committed an offence punishable under section 468 r/w. 34 of IPC and within my cognizance.

7. That you accused Nos.3 to 5 and deceased Nos.1, 2 and 6 after above meetings dated 08/02/2002 and 11/03/2002 at Osmanabad, in furtherance of your common intention, fraudulently and / or dishonestly used as genuine the aforesaid Proceeding Register of said two meetings which you knew or had reason to believe, at the time when you used it, to be forged document and thereby committed an offence punishable under section 471 r/w. 34 IPC and within my cognizance.

And I hereby direct that you be tried for the above said offences accordingly .

Sd/-

Date:-15-01-2026

(Smt. Pradnya V. Medhe)
Jt. Addl.Chief Judicial Magistrate
Osmanabad.