accused No.1 and 10 to purchase government securities through Home Trade Ltd. Washi, New Mumbai, unauthorized broker. Thereupon deceased accused No. 6, Dy. General Manager of O.D.C.C.Bank, demanded a deposit of Rs. 40 crores from N.D.C.C.Bank. Thereafter on 31/1/2002 the N.D.C.C. bank got credited their 30 crores as a deposit in the account of O.D.C.C. bank maintained with Maharashtra State Cooperative Bank Ltd. Mumbai. Then on 1/2/2002 the accused No.4, Deputy Chief Officer of O.D.C.C.Bank, at the instance of accused No.1 and 3 unauthorizedly got credited the said 30 crores in the account of said Home Trade Ltd. for purchasing government securities. Accused No.8, Vice Chairman of Home Trade, then issued false Contract Notes of government securities worth Rs. 29,99,34,591/- to accused No.3 and on the same day the Home Trade Ltd. got credited an amount of Rs. 29,99,99,766-67 ps. in the account of N.D.C.C.Bank with the Maharashtra State Cooperative Bank Ltd. Mumbai. The Home Trade Ltd. also issued a false receipt of Rs. 29,99,34,591/- for purchasing government securities and delivered to accused No.3. On the same day i.e. 1/2/2002 accused No. 8 got transferred Rs. 29,99,99,766=67 in the account of N.D.C.C. Bank towards alleged sale proceeds of Government Securities. It is further alleged that in the meeting dated 8/2/2002 of the Board of Directors of O.D.C.C.Bank there was no discussion on the purchase of government securities from Home Trade and even then on the proceeding register wrong entry is made to the effect that there was a resolution for purchasing government securities and the Board of Directors have unanimously resolved to purchase government securities and that proceeding was signed by accused No.1, 2 and 6. Thus it is the case of prosecution that deceased accused No.1, Chairman of O.D.C.C.Bank and accused No.2 to 6 being main officer

bearers of the said bank, without having prior permission from the Commissioner, Cooperative Societies, accepted a deposit of Rs. 30 crores from N.D.C.C.Bank and in violation of R.B.I. directions paid sum of Rs. 29,99,34,591/- to Home Trade for government securities. Thus all accused in furtherance of their common intention have committed offences punishable under sections 120(B), 218, 406, 409, 420, 468, 471 r/w. 34 of I.P.C.

3. In his written submissions Exh. 606 the accused No.7 has prayed for discharge. The sum and substance of his written submissions is as under -

The Home Trade Ltd. had issued Contract Notes in respect of Government Securities in favour of O.D.C.C. Bank in its capacity as a member of the National Stock Exchange for the transactions undertaken by Home Trade on "Principal to Principal" basis as Home Trade was seller of the securities and it had not charged any brokerage to the O.D.C.C.Bank. Thus, Home Trade had not acted as a Broker. The said Notes were issued in accordance with rules of Stock Exchange. Home Trade had agreed to sell securities to the O.D.C.C.Bank from its proprietary account. Therefore the amount paid by the O.D.C.C.Bank was not received or obtained by Home Trade in a fiduciary capacity as a trustee of the said bank. After the said Contract Notes were executed by Home Trade in favour of O.D.C.C.Bank, Home Trade was under an obligation to deliver the securities which were purchased by the O.D.C.C.Bank under the said Contract Notes. Thus, after receipt of amount from the O.D.C.C. bank the Home Trade became owner of that money and was free to utilize that money. The relationship between O.D.C.C.Bank and Home Trade was that of 'Creditor' and 'Debtor'. On

account of said relationship a civil liability only arises. The criminal liability arises if the beneficial ownership in the property is not transferred to the accused and he is placed under an obligation to utilize the money for the purpose for which it was handed over to him. Such is not the case and therefore section 406 I.P.C. cannot be invoked as main ingredients required to attract section 406 I.P.C. are missing. As far as offence of cheating is concerned there is no allegation that accused No.7 caused any deception. On the contrary from the complaint and statements of prosecution witnesses it is very clear that the accused had not made any representation much less the false representation. The charge cannot be framed under sections 406 and 420 I.P.C. at the same time and therefore accused No.7 cannot be tried for both offences of cheating and criminal breach of trust. Even charge under section 468 I.P.C. cannot be framed as it is to be firstly established that forged documents were prepared before alleged offence of cheating has taken place. Section 34 does not attract as it is to be firstly established that crime has been committed by several persons. Secondly, there was a common intention and a pre-arranged plan to commit an offence and thirdly there was a participation in the commission of the offence. The leading features of Section 34 IPC i.e. the element of participation in action and common intention are missing. With this it is prayed that accused No. 7 be discharged.

4. In his written submissions at Exh. 617 the accused No. 9 has reproduced the submissions of accused No.7 in Exh. 606. In addition to that he made certain submissions which can be briefly narrated as under.

When accused No. 9 had joined the company – Home Trade he

was a mere employee on a monthly salary and posted in the Legal and Secretarial Department. He was appointed as a Company Secretary vide appointment letter dt. 16/11/1994. The role of Secretary was as defined in the Articles of Association of the Company. Accused No. 9 was subsequently appointed as an " Additional Director" on 19/1/2000 and he was designated as an "Executive Director and Company Secretary". He then resigned from the Home Trade vide resignation letter dt. 25/4/2002. During his service he was not entrusted with responsibility of the "Whole Sale Debt Market" Department which used to deal in the Government Securities business. There is no averment also in the F.I.R. or in the statements of the witnesses that the accused No.9 was responsible for the company's dealing in Government Securities. Accused No.7 was C.E.O. and Chairman of Home Trade to whom H.O.D. of Whole Sale Debt Market was directly reporting. There is nothing on record to show that accused No.9 being a Director of the company had participated in any meeting where any discussion or decision relating to the transactions involved in the present case took place. Prosecution has not attributed any role to accused No.9. He was in no way connected to alleged conspiracy.

Accused No. 9 has further contended that there is nothing to show that he was ever entrusted /or dominion over any property of the O.D.C.C.Bank much less dishonestly converted to his own use. Accused No.9 had signed one cheque dt. 1/2/2002 for Rs. 65,409=73 issued in favour of O.D.C.C. Bank and besides this solitary act of signing cheque he did nothing and there is absolutely no evidence and material to show his involvement in the offences in question.

Accused No. 9 has further contended that in the F.I.R. there is no allegation that he had caused any deception. In fact he had not made

any representation much less false representation nor he ever visited the O.D.C.C. Bank or present in any meeting. All correspondence/documents exchanged by and between Home Trade and O.D.C.C.Bank were signed by other accused. Thus, O.D.C.C.Bank had not interacted at all with the accused No. 9 at any point of time. There is no evidence or material to proceed against him under section 420 or 406 r/w. 34 I.P.C. In the charge-sheet there is not a single ingredient to attract offences punishable under sections 465 and 471 I.P.C. The Investigating Officer and prosecution have misread the Contract Notes issued by Home Trade as a member of Stock Exchange and hence section 465 I.P.C. does not attract. According to statement of Sahebrao Manikrao recorded by I.O. it is clear that it was accused No.8 alone who gave the said Contract Notes to him and hence section 471 r/w. 34 I.P.C. cannot be invoked against accused No.9. The alleged offences of cheating and criminal breach of trust/misappropriation were committed by other accused during bank hours in the Maharashtra State Cooperative Bank, Fort Branch and hence accused cannot be charged for the alleged offences . In the charge-sheet there is not a single ingredient to attract the offence punishable under section 120-B I.P.C..

Thus, accused No.9 was neither a "Managing Director" nor a "Promoter" or "Promoter Director" of Home Trade. He was a paid Employee working in the Legal & Secretarial Department and he had nothing to do with account, day to day finance and Wholesale Debt Market Departments which used to deal in Government Securities. He had never visited Osmanabad and/or the O.D.C.C. Bank. He had never interacted with anybody in the O.D.C.C.Bank. He has not obtained any personal financial gain out of the said transactions. The element

of mens rea is completely absent. Thus, there is nothing on record to charge the accused for the alleged offenes. With this it is prayed that he be discharged.

5. I have also gone through the documents with list Exh. 618 placed by accused No.9. In his oral submission the accused No.9 has submitted that during his tenure not a single Contract Note was signed by him. He then pointed out certain investigation papers in support of his contentions in his written submissions. It is also submitted that Government Securities are regulated by RBI who is thus Regulating Authority. It is then submitted that copies of meetings of Home Trade are not forthcoming. His isolated act of signing cheque is sufficient nor to frame charge. Ld. Adv. for accused No.9 has also pointed out certain investigation papers and submitted that there is no sufficient material to frame charge against accused No.9.

6. The Ld. Special Public Prosecutor Shri.B.N.Karanjkar has submitted that as per written submissions of accused No.9 itself accused No.9 was appointed as a "Additional Director" and he worked as "Executive Director and Company Secretary" at the relevant time and therefore it could not be said that his role was to sign cheque only. In the submission Ld. Spl. P.P. there is sufficient material to show the involvement of accused No.9. Accused No.7 was the Chairman and there is strong material to show his involvement. Thus, at this stage there is sufficient material to frame charge as per draft of charges.

7. In the instant case the prosecution comes out with a specific case that in the meeting of Board of Directors of O.D.C.C.Bank held on 5/1/2002 the General Manager (deceased accused No.2) had pointed

out that since interest on deposit of Rs. 2 Crores previously accepted at the instance of deceased accused No.1 from N.D.C.C. Bank and another deposit accepted from Akola Bank was more, they were not profitable. Despite this deceased accused No.6 by his letter dated 29/1/2002 in the capacity of General Manager of O.D.C.C. Bank had informed N.D.C.C. Bank that as per discussions held the O.D.C.C. Bank was ready to accept a deposit of 40 Crores from N.D.C.C. Bank on interest @ 10 % per annum. Next transactions which took place within 3 – 4 days are crucial. The O.D.C.C. Bank and N.D.C.C. Bank have their respective current account with Apex Bank i.e. Maharashtra State Co-operative Bank, Mumbai. On 31/1/2002 N.D.C.C. Bank got debited Rs. 30 crores from their current account and credited it to the current account of the O.D.C.C. Bank. It was at the instance of accused No.10, the then Chairman of N.D.C.C. Bank. On the next day i.e. on 1/2/2002 the Chairman and other office bearers of O.D.C.C. Bank (Deceased accused Nos. 1, 2 and 3) and present accused Nos. 3 to 5 got credited said 30 crores to the account of Home Trade. Prosecution's further case is that on 1/2/2002 accused No.8 got credited Rs. 29,99,99,766-67 ps from the above 30 crores to the account of N.D.C.C. Bank. According to prosecution, Home Trade has issued a false receipt to O.D.C.C. Bank, that the Home Trade is unauthorized company dealing in government securities and that accused No.7 to 9 are its directors. Rs. 30 crores received from N.D.C.C. Bank hurriedly got transferred in the account of Home Trade who, in turn, immediately transferred to N.D.C.C. Bank and according to prosecution, this is nothing but a misappropriation of huge amount of Rs. 30 crores by the Chairman and Bank Officers of O.D.C.C. Bank and all accused have committed criminal conspiracy for misappropriation

etc. and ultimately cheated the O.D.C.C.Bank.

8. Looking to the above prosecution case the points raised by the accused Nos. 7 and 9 are to be seen. As per contentions of accused No. 9 he was initially posted in the Legal and Secretarial Department and later on appointed as a Additional Director on 19/1/2000 and designated as Executive Director and Company Secretary vide letter dt. 1/4/2000. He stated to be resigned from the company on 25/4/2002 i.e. after the offences in question. According to prosecuting story narrated in the charge-sheet the entire episode was nothing but a well planned camouflage to cheat the O.D.C.C. Bank.

9. According to prosecution, O.D.C.C. Bank never received RBI receipts of Government Securities from Home Trade and therefore deceased accused No.1 was insisting on Home Trade to return the amount of 30 crores . Accordingly, Home Trade issued a cheque of Rs. 30,89,07,975/- for returning amount to the O.D.C.C Bank but that cheque was bounced. Home Trade merely issued Contract Notes and not Government Securities.

10. I have already considered gravamen of the charge while deciding discharge applications Exh. 306, 407 and 502. The discharge application Exh. 407 of accused No.7 has already been rejected by common order dt. 7/8/2013. The points raised by accused Nos. 7 and 9 in the written submissions and at the time of oral submission are to be considered at the trial as they are touching the merits of the case and hence those can be considered after recording of evidence. The question regarding sufficiency of evidence and its reliability are not to be seen at this stage of framing of charge. Elaborate examination of

statements recorded by I.O. is not warranted at this stage. Thus, looking to the prosecution case and investigation papers I am of the opinion that charge need to be framed for the alleged offences.

11. Accused No.9 has relied on decision in P.N. Sehgal Vs. Amar Nath (Punjab Law Reporter, VOL. LXXXII- 1980, Page 39) to contend that an offence under section 406 I.P.C. is in a way anti-thesis of the offence under section 420 I.P.C. as in case of criminal misappropriation the property is voluntarily kept in the custody of accused while in the case of cheating the accused by adopting deceitful means induces the complainant to part with property.

12. Accused No.9 then relied on decision in State Vs. Tirath Das (A.I.R.1954 ALL.583). It appears from this decision that section 405 I.P.C. based on the idea that the property entrusted or in respect of which dominion is passed over the accused is doesn't becomes his property so that he can used it for his own purpose. Where a relationship of debtor and creditor created between the parties the beneficial ownership in the money passes and hence person receiving property can use it for his own purpose.

13. Last ruling relied on by accused No. 9 is the decision of Hon'ble Gujrat High Court in Girasia Lakhubha Pathubha V/s. State of Gujrat (1966 Cri.L.J. 727). In that case the complainant, accused Nos. 1 and 2 being relatives were owners of lands jointly. For a loan the lands were mortgaged by mortgage-deed. It was properly executed by accused Nos. 1 and 2. But one third person signed it for the company. After document has registered the complainant gave application to the

bank that his signature had been forged. The said third person was not prosecuted but the accused were convicted under relevant sections read with section 34 I.P.C. It was held that a mere forgery as such was not a criminal act which could be done by several person and hence it was not a case for applying section 34. S. 34 applies when a criminal act committed by several persons. There can be criminal act which cannot be committed by several persons. If in such a case the criminal act is done by several persons, it amounts to a repetition of the criminal act.

14. However, we are at the stage of framing of charge against the accused. Having gone carefully through the charge-sheet and the investigation papers the prosecution case of scam of 30 crorers is based on peculiar facts and circumstances alleged, because not only Chairman and Bank Officers of the O.D.C.C. Bank but also outsiders alleged to have cheated the bank by entering into criminal conspiracy, misappropriation of money, fabrication of documents for the purpose of cheating etc. Therefore, at this stage this Court felt doubt as to which of the several acts (which may be proved) will constitute the offence on account of the nature of the acts or series of acts alleged against the accused. I therefore of the opinion that Section 221 Cr.P.C. attracts. It reads as under -

> Where it is doubtful what offence has been committed -
>
> (1) If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once ; or he may be charged in the alternative with

having committed some one of the said offences.

(2) If, in such a case the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of sub-section (1), he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustrations

(a) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(b) In the case mentioned, A is only charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be), though he was not charged with such offence."

The above illustrations below S. 221 Cr.P.C. amply clarifies the position. In Sunil Kumar Paul Vs. State of West Bengal (AIR 1965 SC 706) it was observed that all possible offences which can be made out on the basis of allegation made by prosecution in the complaint, or in the charges submitted by the investigation agency, can be charged.

15. Thus, let there be charges as per draft of proposed charge at Exh.

583 wherein charges under different heads are shown. Section 465 I.P.C. should be deleted from charge Nos. 6 and 8. The charge at Sr. No.3 for offence under section 420 should be modified as it should be charge against all accused inasmuch as the ultimate sufferer stated to be O.D.C.C.Bank.

16. Hence case is now adjourned for framing of charge as today accused Nos. 7 to 10 are absent. The matter is adjourned to 8/5/2014 for framing of charge as accused No.7 is from Calcutta, accused Nos. 8 and 9 are from Mumbai and accused No.10 is from Nagpur. Parties are aware of the fact that Hon'ble Supreme Court had directed previously to dispose of this matter by the end of October, 2013. The Hon'ble Supreme Court has now extended the time till 31/10/2014 for disposal of this case vide order dt. 28/3/2014 copy whereof is at Exh.635 communicated by letter Exh.634. Hence all accused shall remain present for framing of charge on 8/5/2014 without fail.

Date :- 6/5/2014.

(C.P.Gaddam)
Chief Judicial Magistrate,
Osmanabad.

C-115

R.C.C.No. 398/2002.
State/Pawanraje & others.

ORDER BELOW EXH. 1

Today this matter is kept on the board for framing of charge in view of order dt. 6/5/2014 passed below Exh.1. Today the accused Nos. 3 to 5 and 7 to 9 are present. However, accused No.10 is absent though at the time of granting his exemption application Exh.638 it was clarified that the matter was being adjourned till today for framing of charge and hence he should remain present before the Court. Even then he remained absent today. His advocate has made application today Exh. 640 seeking exemption of accused No.10 from appearance. That application is rejected.

Parties are aware of the fact this is Hon'ble Supreme Court time bound matter and hence matter is required to be disposed of by the end of October, 2014. Accused No.7 is from Kolkatta, accused No.8 and 9 are from Mumbai. Accused No.10 is from Nagpur. As per submissions of accused Nos. 7 to 9 they are facing criminal matters in different parts of the country and therefore they are required to appear those cases also. Under the circumstances if the presence of all accused at the time of explaining the charge framed against them is insisted on the matter will required to be adjourned from time to time unnecessarily and it would not be possible to dispose of the matter at the end of October, 2014. Today the charge is framed and its contents are to be read over to the accused. If the stage of reading charge is adjourned for want of presence of accused No.10 the other accused on the next day may sought for adjournment for one or other reason and in this way again hearing would be prolonged. There is nothing in the Code of Criminal Procedure mandating the Court to frame the charge only in the event of presence of all accused.

In view of above reasons I proceed to read over and explain the contents of charge to accused Nos. 3 to 5 and 7 to 9. The said charge would be read over and explain to accused No.10 on the next date.

Date:- 8/5/2014.

8/5/2014.
(C.P.Gaddam),
Chief Judicial Magistrate,
Osmanabad.

cl16.

R.C.C.No. 398/2002.
State/Pawan & others.

ORDER BELOW EXH.1

Today the matter is fixed for hearing. However the prosecution has not placed on record the list of witnesses to be examined. Since matter is time bound the learned Spl.P.P. has to take prompt steps for securing presence of witnesses. Hence matter is now adjourned till tomorrow for list of witnesses. Ld. Spl.P.P. shall also chalk out program for conducting case within the time limit and let this Court to know how many witnesses are going to be examined and what documentary evidence is to be adduced on behalf of prosecution.

15/5/2014

Date :- 15/5/2014.

(C.P.Gaddam)
Chief Judicial Magistrate,
Osmanabad.

C-11)

R.C.C.No. 398/2002.
State/Pavanraje.

ORDER BELOW EXH.1

In this matter the witness summonses were issued to complainant and two panchas. Complainant Shri. B.R.Rathod is present in the court at about 3:00 p.m. Ld. counsel for State Shri.B.N.Karanjkar has submitted that complainant has to see the documents. Hence today it is unable to lead evidence. He submitted that short adjournment may kindly be given for adducing evidence to the complainant. He has filed application for adjournment at Exh. 669. Considering submissions made on behalf of prosecution the matter is adjourned till 17/6/2014. Prosecution to lead evidence on 17/6/2014 without fail.

Date :- 12/6/2014.

(G.B.Gurao)
Chief Judicial Magistrate,
Osmanabad.

R.C.C. No. 398/2002

ORDER BELOW EXH. 01

1. In view of order of Hon'ble Supreme Court of India in Petition(s) for Special Leave to Appeal (Crl.) No(s). 10625-10626/2024 dt. 10th December, 2024, which is received by this court on 31st December, 2024, and put up before me on 1st January 2025, the matter is taken suo-moto on today's board.

2. I have gone through the above mentioned order of Hon'ble Apex Court. Further, Assistant Public Prosecutor Shri. V.S. Shevalkar is informed about the above said order. Ld. Adv. Shri. B.S. Jagtap for accused No. 3 is present before the court. In view of the order, it is necessary to secure the presence of the accused. Hence, issue summons/notices to the accused except accused No.3 as well as their respective advocates,. The matter adjourned on 6th January, 2025. Further, concerned clerk is directed to submit report in detail about the status of the present matter.

Date:- 02/01/2025

2/1/2025
(Smt. Pradnya V. Medhe)
Addl. C. J. M.Osmanabad.

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Call report from A.S., CJM, Osmanabad, as to when record of the proceeding is received from the High Court.

2/1/2025.

R.C.C. No. 398/2002

ORDER BELOW EXH. 01

1. In view of order of Hon'ble Supreme Court of India in Transfer Petition (Cri) No. 426/2024 dt. 19th May, 2025, which is received by this court on 23rd June, 2025, the matter is taken suo-moto on today's board.

2. It is to be noted that in view of order of Hon'ble Supreme Court of India in Transfer Petition (Cri) No. 426/2024 dt. 22.04.2024. The present matter was stayed. However in view of order dt. 19.05.2025 the above said transfer petitions are dismissed by the Hon'ble Supreme Court of India. Hence the stay granted by the order passed in the above said transfer petitions stands automatically vacated. Hence in view of this it is necessary to proceed further in the present matter. Further, Assistant Public Prosecutor Shri. V.S. Shevalkar is informed about the above said order. Ld. Adv. Shri. B.S. Jagtap for accused No. 3 is present before the court and he is informed about the order. In view of the order, it is necessary to secure the presence of the accused. Hence, issue summons/notices to the accused except accused No.3 as well as their respective advocates,. The matter adjourned on 30.06.2025.

25/6/2025

Date:- 25/06/2025

(Smt. Pradnya V. Medhe)
Addl. C. J. M.Osmanabad.

Noted
R.R. Gazal
for accused No 8
30/6/25

Noted
V.S. Shevalkar
APP
Dt - 25/6/2025

Noted
(Adv. B. S. Jagtap)
Dt. 25/06/2025

Noted
Adv. V. V. Shinde
30/6/2025
Advocate for Accused No. 9.

R.C.C. No. 398/2002

ORDER BELOW EXH.1

1. Today matter is kept for re-framing of charge as per order of Hon'ble Bombay High Court passed in Cri. Revision Application No. 366/2025 on dated 11.12.2025.

2. Heard Ld. respective Advocates for accused No. 3,4,5,7,8,9 and 10. Further accused No. 9 also made oral submission in person. He has also submitted written submissions vide Exh. 1075.

3. Heard Ld. APP Shri. V.S. Shevalkar for State.

4. Considering submissions and perusing entire available material on record it appears that the accused No. 7 had filed an application for alteration of charges Vide Exh. 953. The main ground taken for pressing the prayer for alteration of charges was that the charges framed under Sections 406 and 420 of IPC are antithetical and cannot co-exist. Further in view of order passed below Exh. 953 dt. 13.10.2025 the said application came to be rejected. Thereafter against the said order, accused No. 7 preferred Revision Application before Hon'ble Bombay High Court, Bench at Aurangabad bearing Cri. Revision Application No. 366 of 2025. The Hon'ble Bombay High Court vide its order dt. 11.12.2025 in the above said Cri. Revision Application, quashed and set-aside the order dt. 13.10.2025 passed below Exh. 953. Further the Hon'ble Bombay High Court has specifically directed the Trial Court to re-frame and explain the charge by framing charge under Sec. 406 and 420 in the alternative. The Hon'ble

Bombay High Court had observed that both the charges under Sec. 406 and 420 cannot co-exist and are antithetical. It is further observed that both the charges can be framed in the alternative and there is no illegality in the same. It is necessary to reproduce observations of the Hon'ble Bombay High Court in para No. 14 alongwith the operative part of the above said order, which is as under :

> *14. There is no dispute that, in view of above ruling of the Hon'ble Apex Court, both charges under Sections 406 and 420 cannot co-exist and are antithetical. Here, charge is already framed and there is no dispute to that extent. From copy of the charge it is emerging that amongst other offences, charges, both under Sections 406 and 420 are framed. However, in view of the law laid down by the Hon'ble Apex Court in the above relied cases, the same is not permissible. But, both charges can be framed in alternative and there is no illegality in the same. Consequently, to that extent, interference is called for. Hence, the following order :*

Order

I. Criminal Revision Application is partly allowed.

II. The order dt. 13.10.2025 passed below Exhibit 953 in R.C.C. No. 398 of 2002 by the learned Additional Chief Judicial Magistrate, Osmanabad is hereby quashed and set-aside.

III. Learned Trial Court to re-frame and explain the charge by framing charge under Section 406 and 420 in the alternative.

IV. The revision is accordingly disposed off.

Sd/-

[xxxxxx]

Hence in view of directions of Hon'ble Bombay High Court in the above said Criminal Revision Application, today matter is kept for re-framing of charge against all the accused.

5. For the purpose of re-framing of charge, it is necessary to look into the prosecution story. The prosecution case, in short, is that all the ten accused have hatched the criminal conspiracy to cheat the ODCC Bank for Rs. 30 crore. At the relevant time deceased accused No. 1 was the Chairman of ODCC Bank while accused No. 10 was the Chairman of the NDCC Bank. There was a collusion between accused 1 and 10 to purchase Government securities to HTL, an unauthorized broker. Thereafter on 31.01.2002 the NDCC Bank got credited its 30 crore as a deposit in the account of ODCC Bank maintained with the Maharasthra State Co-Operative Bank Ltd., Mumbai. Then the ODCC Bank unauthorizedly credited the said amount of Rs. 30 crores in the account of HTL for purchasing Government Securities. Officer bearers of HTL then issued false contract notes of Government Securities worth Rs. 29,99,34,591/- to the officer of ODCC Bank and on the same day the HTL got credited an amount of Rs. 29,99,99,766.67 Ps. in the account of NDCC Bank with the Maharasthra State Co-Operative Bank Ltd., Mumbai. The HTL also issued false receipts of Rs. 29,99,34,591/- for the purchasing Government Securities and delivered it to the officer of ODCC Bank. On the same day i.e. on 01.02.2002 office bearer of HTL transferred Rs. 29,99,99,766.67 Ps in the account of NDCC Bank towards alleged sale proceeds of the Government

Securities. It is further alleged that in the meeting held on 08.02.2002 of the Board of Directors of the ODCC Bank there was no discussion on the purchase of Government Securities from HTL and even then on the proceeding register wrong entry was made to the effect that there was resolution for purchasing Government Securities and the Board of Directors have unanimously resolved to purchase Government Securities and that proceeding was signed by accused No. 1, 2 and 6. Hence considering the prosecution case the Learned Predecessor of the Court had framed the charges against the accused vide Exh. 641.

6. On the point of re-framing of charge the Ld. advocate for accused No. 7 Shri. B.R.Mane has argued that the Hon'ble Bombay High Court has directed to re-frame the charge by framing charge under Sec. 406 and 420 in the alternative, meaning thereby the charge should be framed either under Sec. 406 or under Sec. 420, both charges cannot be framed in the alternative. However I am not agree with the said submissions for the simple reason that the Hon'ble Bombay High Court has very specifically directed this court to reframe the charge by framing charge under Sec. 406 and 420 in the alternative. The predecessor of this court had framed both the charges under Sec. 406 and 420 of IPC simultaneously. However as per the observations of Hon'ble Bombay High Court in Cri. Revision Application No. 366/2025, the same is not permissible. Therefore as per the directions of Bombay High Court both the charges can be framed in alternative. There is no question of dropping any of

the charge as stated by the accused. Hence this submission of accused No. 7 cannot be accepted. The other accused have also made the similar submissions. However for the reasons stated hereinabove the said submissions cannot be accepted.

7. Further in addition to this, the accused No. 9 has made oral submission as well as he has filed written submission vide Exh. 1075, wherein he has stated that even if the entire material available on record is accepted at its face value, no prima-facie case is made out against him so as to require re-framing of charge. He has further submitted that there is absolutely no evidence whatsoever against him in the entire charge-sheet. Further as per the evidence brought on record in the course of trial, the basic ingredients of the offences alleged to have been committed are not even prima-facie made out against him. He has specifically submitted that as per the prosecution case the amount towards the purchase of Govt. securities were transferred to Home Trade. Consequently, the said amount were directly received by the Home Trade. Therefore any alleged entrustment, if at all, was therefore to the company, namely Home Trade. However, the Home Trade has not been arrayed as an accused nor charge sheeted in the present case. Further the amount in question was directly credited into the bank account of Home Trade. He never had dominion, custody or control over the said funds in his personal capacity. Therefore there is no entrustment of property to him nor any proof of dishonest conversion. The alleged entrustment, if at all was between two

legal entities i.e. ODCC Bank and Home Trade. However neither ODCC Bank nor Home Trade has been charge sheeted as an accused. Therefore in the absence of it the continuation of proceeding against him is impermissible. In support of his contention he had relied upon various authorities of Hon'ble High Court and Hon'ble Apex Court. I have gone through the said authorities minutely and carefully. Most of the authorities relied upon by the accused are on the point of quashing of criminal proceedings. However it is to be noted that matter is kept for re-framing of charge only. The question as to whether the ODCC Bank or Home Trade should have been made accused or not, is not relevant at this stage. Further the contention of the accused that when the company / juristic person which is alleged to be the principal offender is not prosecuted, continuation of proceeding against its director or officer is impermissible is also irrelevant so far as re-framing of charge is concerned.

8. The accused No. 9 has further submitted that no case is made out against him either under Sec. 406 r.w. 34 of IPC or under Sec. 420 r.w. 34 of IPC. Further he has also submitted that no case is made out against him under Sec. 468 and 471 r.w. 34 of IPC. Further Sec. 34 of IPC is not attracted at all as well as Sec. 120 B of also not be attracted. Lastly he has submitted that the allegations of forgery, fabrication or invalidity of the contract notes is wholly untenable. At the highest, the dispute, if any, arises out of contractual obligation and is purely civil in nature. In support of above said contentions he has relied upon various

authorities of Hon'ble High Court and Hon'ble Apex Court. I have gone through the said authorities minutely and carefully. However, with great respect, the authorities relied upon by the accused are not helpful to him, for the reason that facts stated therein are different from the facts of the present matter. Further as discussed hereinabove the material available on record is sufficient to frame the charge against the accused under the above mentioned sections.

9. Perusal of record shows that already charges have been framed against the accused on 08.05.2014 vide Exh. 641. After framing of charges prosecution has examined in all 23 witnesses. Thereafter statements of all the accused except accused No. 7 have been recorded under Sec. 313 of Code of Criminal Procedure. Thereafter the accused No. 7 had filed the application for re-framing of charge vide Exh. 953. Further as stated hereinabove the said application came to be rejected and the revision application preferred by the accused No. 7 against the said order came to be allowed. At the cost of repetition, it is necessary to mention here that the Hon'ble Bombay High Court in the Cri. Revision Application No. 366/2025 has very specifically directed this court to re-frame and explain the charge by framing charge under Sec. 406 and 420 in the alternative. In view of the directions of Hon'ble Bombay High Court, in my opinion it is necessary to re-frame and explain the charge by framing charge under Sec. 406 and 420 in the alternative and there is no need to alter the remaining charges framed against the accused. Hence in

view of above discussion today I proceed to re-frame and explain the charge against all the accused by framing charge under Sec. 406 and 420 in the alternative. All the accused to take note of it.

15/1/2026.

Date:- 15/01/2026

(Smt. Pradnya V. Medhe)
Addl. C. J. M.Osmanabad.

TRUE COPY

सहायक अभिलेखक
मुख्य न्यायदंडाधिकारी अंबे न्यायालय
उस्मानाबाद

12-2-26

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&
Compared by

D-697 पोलीस ठाणे उस्मानाबाद (शहर)
दिनांक 29-9-2002

प्रति,

मा. मुख्य न्यायदंडाधिकारी सो,
न्यायालय उस्मानाबाद यांना सविनय सादर,

विषय :- आरोपी अशोकसिंह उर्फ पवन संतोषसिंग राजपूत विरुद्ध अंतिम अहवाल,

संदर्भ :- मु.गु.र.नं. 3143/2002 उस्मानाबाद दि. 27-8-2002 अन्वये,

1) पोलीस ठाणे :- उस्मानाबाद (शहर)

2) गु.र.नं. कलम :- 106/2002 कलम 406, 409, 420 34 भादवि.

3) फिर्यादीचे नाव :- श्री. परशराम रानोड विभागीय सह निबंधक सहकारी संस्था लातूर.

4) आरोपीचे नाव :- अशोकसिंह उर्फ पवन संतोषसिंग राजपूत वय 50 वर्षे रा. गोवर्धन वाडी ता.जि. उस्मानाबाद यांना दिनांक 14.8.02 रोजी 1800 या अटक केली आहे.

5) गु.घ.ता वेळ व ठिकाण :- दिनांक 01.02.2002 ते 08.05.02 रोजी पर्यंत उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक मर्यादित उस्मानाबाद

6) गु.न.ता वेळ :- दिनांक 08.05.02 रोजी 1900 वाजता

7) फसवणूक केलेली रक्कम :- 29993459/- रुपये

8) वसूल रक्कम :- — शून्य —

9) अन्वेषण अधिकारी :- श्री. बी.डी. रेड्डी पोलीस निरीक्षक पोलीस ठाणे उस्मानाबाद (शहर)

मजकूर -

महोदय सायंकाळ विनंती की दिनांक 8.5.02 रोजी शासित औरंगाबाद येथे होत असलेल्या (श्री) येथे हजर येथून लेखी औरंगाबाद दिली की अर्थात जिल्हा मध्यवर्ती सहकारी बँक (ने) औरंगाबादची तपासणी करण्याचा अधिकार हे लेखा परीक्षक वर्ग - 1 यांना दिलेल्या त्यांनी सदर बँकेची दिनांक 29-4-02 रोजी तपासणी केली तपासणीत त्यांना नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडून दि 31.1.02 रोजी महाराष्ट्र राज्य सहकारी बँक मुंबई येथील औरंगाबाद जिल्हा मध्यवर्ती बँकेच्या चालू खात्यात 30 कोटी रुपये जमा करण्यात आले व 29993459/- रुपये मे होम ट्रेडर्स वाशी नवी मुंबई या दलाल मार्फत शासकीय कर्ज रोखे खरेदी करण्यासाठी दि 1-2-02 रोजी देण्यात आले तेव्हा सदरचा व्यवहार बँकेचे चेअरमन पवन राजे निंबाळकर यांनी फोनवरून केला होते त्यांचे रोखे खरेदी करून बँकेस पावती दिली गेली म्हणून त्यांनी रुपये 29993459/- रुपयेचा अपहार करून बँकेची फसवणूक केली असे तपासणीत आल्यामुळे आल्याचे कळविल्याने सदरची फिर्याद लिहिलेल्या मजकूर गुन्हा दाखल करून तपास करित आहोत.

तपासात गुन्ह्यातील साक्षीदार तपासले साक्षीदार यांनी आरोपी पवन राजे निंबाळकर यांनी बँक नियमावली प्रमाणे रिझर्व बँकेची महाराष्ट्र राज्य सहकारी बँकेचे नियमाचे उल्लंघन करून तसेच सहकार आयुक्त यांची परवानगी न घेता नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडून 30 कोटी रुपये घेऊन सदर रक्कम मे. होम ट्रेडर्स वाशी नवी मुंबई या दलाल मार्फत शासकीय कर्ज रोखे मुंबईची बँक नियमाप्रमाणे कर्ज रोखे

D-700

खरेदी करणे रिझर्व बँकेमार्फत बेणे वाँचान कारक असताना ही आरोपी पवन राजनिंबाळकर याने एका प्रकारे व्यवहार न करता परस्पर हस्तांतरीत असलेले व्यवहार केलेले आहे त्यामुळे बँकेचे एकूण रुपये 24993454/-00 इतक्या मोठ्या रकमेचा अपहार झालेला आहे सदरचा व्यवहार आरोपी पवन राजनिंबाळकर नं. 1 हे ट्रेडर्स संचालक नंदन व बँकेचे अधिकारी यांनी संगनमत करून केलेला निष्पन्न झाले आहे.

आरोपी अण्णासिंह उर्फ पवन सीताराव राजनिंबाळकर तत्कालीन चेअरमन उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक उस्मानाबाद हा दि. 8.5.02 रोजी पासून फरार होता एकूण दाखल आरोपांतून निष्पन्न निष्पन्न आरोपी यांचे.

1) शरण निवृत्ती देशपांडे - सरव्यवस्थापक
2) विनायक दिगंबर गाजरे - चिफ अकाउंटंट
3) [illegible] काशिनाथ नीले - (मुख्याधिकारी । हिशोब)
4) शिवाजी आकुराव मोरे - (मुख्याधिकारी (प्रशासन))
5) संजय [illegible] अग्रवाल - संचालक नं. 1 ट्रेडर्स पार्टी मुंबई
6) अण्णासिंह उर्फ पवन सीताराव राजनिंबाळकर चेअरमन उस्मानाबाद D.C.C बँक
7) बाबू निवृत्ती यादव - असिस्टंट व्यवस्थापक उस्मानाबाद D.C.C बँक
8) सुधाकर अंबादास
9) एक एन निवेदिता दोघे संचालक नं. 1 ट्रेडर्स पार्टी मुंबई

कलम 1 ते 4 यांना दिनांक 27.5.02 रोजी अटक करून त्यांची दिनांक 6.6.02 रोजी पोलीस कस्टडी रिमांड घेण्यात आली.

(P.T.O.)

मा. कलम 5 प्रमाणे दिनांक 18.7.2002 रोजी अटक करून त्याची दिनांक 31.7.2002 रोजी पर्यंत पोलीस कस्टडी रिमांड मंजूर म्हणून संख्या नोंदविण्यात आहे. आरोपी कलम 6 प्रमाणे दि 14.8.2002 रोजी अटक करून त्याची दिनांक 27.8.2002 रोजी पर्यंत पोलीस कस्टडी रिमांड संख्या मंजूर करण्यात आहे.

दि. कलम 7, 8, 9 हे अयोग्य करार आहेत. उल्लंघनाचे कलमे आरोपी यांचा त्यांचे राहते घरी व कारखाना शोध घेतला परंतु काहीच आढळून आले नाही. आरोपी पवन रामनिवास कर हे पोलीस कस्टडी रिमांड मध्ये असताना खालील प्रमाणे रकान कबूल केले.

1) आरोपी पवन रामनिवास कर यांचे सांगण्यावरून अमरावाडा जिल्हा मध्यवर्ती सहकारी बँकेचे व्यवस्थापक व इतर यांनी 40 कोटी रुपये मागविल्याचे निष्पन्न झालेले आहे.

2) नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडून 40 कोटी रुपया ऐवजी 30 कोटी रुपये पाठविल्याचे स्पष्ट झाले आहे.

3) आरोपी पवन रामनिवास कर हे महत्वपूर्ण कालावधीमध्ये म्हणजे दि 30, 31 जानेवारी व 1 फेब्रु 2002 या काळात मुंबई येथे असल्याचे निष्पन्न झाले आहे.

4) आता पर्यंतच्या तपासावरून आरोपी पवन रामनिवास कर यांचा या गुन्ह्यामध्ये सहभाग असल्याचे निदर्शनास स्पष्ट होत आहे.

5) आरोपी आणि फरारी आरोपी सुभाष धनराज नीलकुमार तिवारी यांचे संबंध असल्याचे निष्पन्न झालेले आहे.

(पान क्र 3 वर पहावे)

६) आता वर्तमानच्या आरोपाच्या मूलगामीकरण करून आरोपी पवन राने व बाळकृष्ण यांनी अत्यंत चतुर पणे व योजनाबद्ध जनतेचे ४० कोटि रुपये लाटल्याचा गुन्हा केल्याचे स्पष्ट आहे.

आरोपींचे जामीन नाकारण्याचे कारणे :

१) मुख्य आरोपी पंकज २ आरोपी हे बाहेर राज्यातील रहिवासी असून त्यांचे वास्तव्याचा पत्ता निश्चित नसून आलेला नाही. जामीन अर्जाच्या वेळेचे आरोपी हे मिळून येणार नाही.

२) आरोपी पवन राने व बाळकृष्ण यांची जामीन अर्जाच्या मुख्यालयीन आहेत तोपर्यंत दखल घेण्याची एकला आहे.

३) गुन्ह्याचा तपास बाकी असून गुन्ह्यातील फरारी आरोपी यांना गुन्ह्याचे तपासामध्ये अटक करणे गरजेचे असल्याने मुख्य आरोपी पवन संतोषराव राने व बाळकृष्ण यांची जामीन नामंजूर होणेस विनंती आहे.

आ० सादर,

पोलीस निरीक्षक
ठा. स्टे. उस्मानाबाद (शहर)

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सहायक अधीक्षक 14.3.26
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

D-696

In The Court Of Chief Judicial Magistrate at Osmanabad

Say in Bail Appln No /02

Crime No 106/2002 P.S Osmanabad (City)

Prosecution on Behalf of State Submits Its Say as :

May It Please Your Honour

That, the accused applicant is being prosecuted for offences punishable U/sec 409, 420, 406 r/w 34 of I P C That the alleged offences are cognizable and Non-Bailable

02 That, the investigation in this crime No 106/02 P S Os'bad (City) is in progress and not yet completed. The application dt 24/8/2002 is filed by I O for extensic of period for investigation and same is allowed by this Hon'ble Court

03 That, the accused person is Ex-Chairman of Osmanabad D.C.C Bank He is also politically influentia person in the society So if be is released on bail there is every possibility of his tampering the witness and prosecution evidence

04 That, the accused person was evading his arrest Since long, This circumstance should be taken into consideration. These possibility of accused absconding cannot be ruled out and it will be hard to secure his presence during trial.

05 That as per contention of the application of the accused already his anticipatory bail applications were rejected by Hon'ble High Court also some writ petitions are pending before Hon'ble High Court

06 The Medical ground itself is not sufficient for granting bail to the accused, The dieseases mentioned in application of accused are not harmful or dangerous to life Efficient and sufficient medical treatment can be provided to him even in judicial custody

07 The amount which is misappropriated is huge amount i e Rs 29,99,34,591/- It is misapppopriated by violating rules of Mah State Co-operative bank So there is direct corelation of the accused with the offence Hence at this stage it is only to be seen that whether there is primafacie case against the accused or not And as accused is directly connected with the offence there is a primafacie case against him.

08 That the other three accused persons i e Thorat Bhandari and Trivedi are yet absconding.

09 The contention of applicant that other accused are released on bail cannnot be a criteria applicable to release this accused on bail

10 That offence U/s 409 of IPC is punisbale with imprisonment for life or imprisonment for 10 years Hence as per citation in Mah L J 1996 page No 485 Bombay (Yasin Qureshi Vs State) the accused can not be released on bail by this Hon'ble Court

D-608

11 The factors to be considered while releasing the accused on bail are the nature, and seriousness of the offence, the circumstances peculiar to the accused, reasonable possiblity of the presence of the accused not being secured at the trial, reasonable apprehention of witnesses being tampered and the larger interest of public and state.

Hence Considering the above grounds submitted by state the bail application of the accused be rejected in the interest of justice

On behalf of State

Dated:- 29/8/2002 (A P P for State)

D-901 दि. 31.7.02

— मा. मुख्य न्याय दंडाधिकारी सो.
— महानगर उस्मानाबाद थाना सं० साहब,

विषय — PCR अधीन आरोपी M.C.R. होने बाबत.

1) मोबदले दाखा — उस्मानाबाद (शहर)

2) गुन्हा कलम — 106/2002 कलम 406, 409, 420, 34 भा.द.वि.

3) आरोपी नाव — व्यक्ती परस्पराने राहुल चिकाटिया सह निर्देशक सहकारी संस्था लि. मुं.

4) आरोपीचे नाव पत्ता — संजय हरिदास अमृताने वय-37 वर्षे धंदा - होम ट्रेड संचालक राहात. 702/ बुमुन अपार्टमेन्ट 7 वा मजला पाली नवी मुंबई याने दिनांक 18.7.02 रोजी 1050 ला अटक करण्यात आली व आज पर्यंत पोलीस रिमांड होती.

31/7/02

5) गुन्हा ला चेला — दिनांक 1.2.02 ते 8.5.02 रोजी पर्यंत उस्मानाबाद जि.म.स. बँक (मे) उस्मानाबाद.

6) गु० दा. ला चेक — दि 8.5.02 रोजी 1000 पाठाले

7) फसवणुक रक्कम — 29993450/- रुपये

8) वसुल रक्कम — —

9) व्यावसिक दिकहाव — पो. निरिक्षक बी. वी. रेड्डी पो.ठाणे उस्मानाबाद (शहर)

रजुआत —

शविनय सादर निवेदन कि —

(PTO)

वरील फिर्यादी यांचे जबाबावरून हजर असून फिर्याद दिली
की, उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक
लि. उस्मानाबाद बँकेची व्यवस्थापक कोठी व्यवस्थापक
नागपुर मि. ए. स बँक लि. नागपुर बँकेकडुन दि.
31-1-02 रोजी महाराष्ट्र राज्य सहकारी बँक मुंबई
अंतर्गत उस्मानाबाद जिल्हा मध्यवर्ती स. बँकेच्या चालु
खात्यात रुपये 30 कोटी जमा करण्यात आले व
रुपये 24993459 1:00 हीत ट्रेड वाशी नवी मुंबई
या खाती कार्यक्रम आसक्रिय रोखे खरेदी करण्यात
दि. 1-2-02 रोजी वर्ग करण्यात आले होते. संस्था व बँकेचे
चेअरमन हे मुद्दामहिरे एक व्यक्ती बेकायदेशीर
रक्कम निलंबित यांनी फोजदारन केलेला आहे
त्यांनी बँकेत रोखे खरेदीच्या पावत्या दिलेल्या
आहेत म्हणुन 24993459 1:00 रुपयेचा अपहार
झाला आहे. वर्गात नागपुर अपहितांत संस्था
गुन्हा हाताळ झाला किंवा गुन्ह्याचा व्यवहार
आमची संस्था करित आहोत

गुन्ह्याचा व्यवहारकर्ता आम्ही दि. 18-7-02
रोजी मे. ट्रेड ट्रेड वाशी नवी मुंबई चा संचालक
यांच्या आरोपी यांस गुन्ह्यात अटक करुन कोठडी
पावेतो पोलीस रिमांड घेऊन गुन्ह्याचा तपास
केला आहे आरोपीस गुन्हाकामी योग्य पोलीस बंदोबस्त
साठी सुरक्षा करुन केले आहे आरोपी
गुन्ह्याचा व्यवहार कर्ता m CR होणेस विनंती आहे.

0

Add under section mentioned
G.R. No. C-120, dt. 14 Sept
Talcam

— आर. सावंत
पोलीस निरीक्षक
पो. स्टे. उस्मानाबाद (शहर)

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद
12.3.26

मा. मुख्य न्यायदंडाधिकारी सो. D 394 दिनांक 9 C/04/02

न्यायालय उस्मानाबाद,

"यांचे समोर"

विषय:- अटक आरोपीची (10) दहा दिवस पोलिस कस्टडी रिमांड मिळणे बाबत

1) पोलिस ठाणे :- उस्मानाबाद (ग्रा.)

2) गुन्हा. व कलम :- 90E/02 कलम 308, 306, 34 भादंवि.

3) फिर्यादीचे नाव :- बक्षी परशराम राठोड दिवाणी सह. निबंधक सहकारी संस्था लातूर

4) आरोपीचे नाव :- संजय हरिराम अग्रवाल वय 30 वर्षे. धंदा - होम ट्रेडर्स संचालक रा. 7021 कुसुम अपार्टमेंट 7 वा मजला वाशी नवी मुंबई - हाल दिनांक 9C/04/02 रोजी 1050 वा अटक झाला आहे.

5) गुन्हा नोंद दिनांक :- दिनांक 1/02/02 ते ~~[illegible]~~ 01/02 रोजी पर्यंत उस्मानाबाद जिल्हा मध्यवर्ती सह. बँक (म) उस्मानाबाद.

6) गुन्हा नोंद :- दिनांक 08/02/02 रोजी 1900 वाजता.

7) फसवणूक रक्कम :- 2,11,34,519=00 रुपये.

8) वसूल रक्कम :- नाही.

9) अन्वेषण अधिकारी :- बी. बी. रेड्डी पोलिस निरीक्षक पोलिस ठाणे उस्मानाबाद (शहर)

10) वस्तुस्थिती :- सादर विनंती की, दिनांक 08/04/02 रोजी यातील फिर्यादी यांनी पोलिस स्टेशन येथून फिर्याद दिली की, दिनांक 28/1/02 रोजी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेत रुपये 2,11,34,519=00 चा अपहार झालेबाबत PTO

आरोपीचे व रिमांडची मिळाली

श्री एल एम पवार विशेष तेरना पथक क्र. 1 सहकारी सत्र (बँक) लातूर यांना तपासणी शाखेचा अभिप्राय दिला त्याप्रमाणे त्यांनी दि 28/3/02 रोजी सदर बँकेची तपासणी केली. तपासणीत त्यांनी नमूद केले की: नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडून दि 31/7/02 रोजी महाराष्ट्र राज्य सहकारी बँक मुंबई येथील उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेच्या चालू खात्यात रु. 30 कोटी जमा करण्यात आले. व रुपये 29993429.00 होम ट्रेड वाशी मुंबई या दलाल मार्फत शासकीय रोखे खरेदी करण्यात दि. 9/02/02 रोजी देण्यात आले होते. सदरचा व्यवहार बँकेचे चेअरमन श्री भूपालसिंह उर्फ पवन सत्यजीराव राजेनिंबाळकर यांनी फसवणूक केली आहे त्यांनी बँकेस रोखे खरेदीच्या पावत्या दिलेल्या नाहीत म्हणून 29993429.00 रुपयेचा अपहार केला आहे. करीता करून फिर्यादीवरून नमूद गुन्हा दाखल करून तपास करीत आहोत

तपासात होम ट्रेड वाशी नवी मुंबई चे संचालक आणि उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेचे चेअरमन व बँकेचे इतर अधिकारी यांनी आपसात संगनमत करून 29993429/- रुपयात उस्मानाबाद बँकेची फसवणूक करून नुकसान केल्याचे निष्पन्न झालेले आहे.

होम ट्रेड वाशी नवी मुंबई चे संचालक (मुख्य) यांनी आरोपी संजय हरिराम अग्रवाल रा. मुंबई यास सदर गुन्ह्यात आज दि. 10/5 वाजता अटक करण्यात आलेली आहे. तरी सदर आरोपीस गुन्ह्यासंबंधाने विचारपूस करता सदर आरोपी गुन्ह्यात उपयुक्त माहिती सांगतोय दडवाडवी करीत आहे करिता त्याची रिमांड मुद्यावर तपास करणे पो.क. रिमांडची आवश्यकता आहे.

1) सदर आरोपी हा होम ट्रेड वाशी मुंबई चा कार्यकारी संचालक असून सदर ट्रेडर्स चे इतर संचालक मंडळाची माहिती व सदर संस्थेचे रजिस्ट्रेशन झाले असल्याचा तपास करणे आहे.

D-595

२) मे. होम ट्रेडर्स वाशी नवी मुंबई स्थापन करण्यामध्ये अजयकुमार पोजाचा सहभाग आहे काय? या बाबत तपास करणे आहे.

३) मे. होम ट्रेडर्सने बँकेत खाते उघडण्यासाठी कोणाची ओळख दिली. या बाबत तपास करणे आहे.

४) मे. होम ट्रेडर्सचे संचालक मंडळ कसे आहे त्या फर्मचे संचालकाचे नावे/पत्ते या बाबत तपास करणे आहे

५) उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक उस्मानाबाद येथुन ३० कोटी रुपयाचे कर्ज रोख खरेदीचा दावा, कोठे घेण्यात आला. त्या दाव्याचे नेमके कोण कोण हजर होते याबाबत तपास करणे आहे.

६) उमाद बँकेने खरेदी केलेले ३० कोटी रुपयाचे कर्ज रोख पैकी मे. होम ट्रेडर्सला किती रुपयाचे धनादेश दिले आहे व इतर कोणा कोणाला धनादेश दिले आहे. या बाबत तपास करणे आहे.

७) फसवणुकीतील ३० कोटी रुपयाची विल्हेवाट कशा प्रकारे झाली का एकाच ठिकाणी सदर रक्कम लगत रक्कम देवुन या बाबत तपास करणे आहे.

८) मे. होम ट्रेड वाशी - नवी मुंबई यांने शासकीय कर्ज रोख खरेदी - बाबतच्या खोट्या पावत्या उस्मानाबाद जिल्हा म. स. बँक उस्मानाबाद बँकेत दिल्या त्या पावत्या त्यांनी कोठे छापल्या व त्यात कोण कोण सहभागी आहे या बाबत तपास करणे आहे.

९) सदर गुन्हा दाखल झाल्यापासून तपास कामी आरोपी पकडून हस्तगत केलेले कागदपत्रा बाबत आरोपीकडे तपास करणे आहे.

१०) सदर गुन्ह्याची व्याप्ती, उस्मानाबाद, नागपुर, नवी मुंबई नवी मुंबई येथे झालल्याने त्या बाबत आरोपीकडे तपास करणे आहे.

वरील सुधारुन अजुन आरोपीकडे तपास करणे

PTO

गुन्ह्याचे तपासी अत्यंत आवश्यक व महत्वाचे असल्याने त्यासी त्यास तपास कामी हजर आदेशान्वये मा. तुरुंग अधिकारी सो. सेंट्रल जेल मुंबई यांचेकडून दिनांक १७/७/०२ रोजी १९०० वा. ताब्यात घेऊन गुन्ह्याकरिताने विचारपूस करून आज रोजी १०५० वा. सदर गुन्ह्यात अटक करण्यात आलेली आहे.

तरी आरोपी यांची तपास कामी दहा (१०) दिवस पोलीस कस्टडी रिमांड मिळणेस विनंती आहे.

सोबत: रुजातवा केस डायरी जोडली आहे.

मा. साहेब.

उपपोलीस निरिक्षक
औ. टे. उ'बाद (शहर)

A case is produced before me at 3 pm. No complaint of illtreatment made by accused against police. If any advanced this stage accused be brought to court. Under production warrant. Q to freeze case on this point. Different courts have different opinions. But gist of all motions will be that case can be produced under custody u/s 267 CrPC from the accused is also handed over to police authority for the purpose of investigation. Upon making by competent court of jurisdiction. Thus the detention of accused is legal. So far as points raised by P.C. in concern that, it is reasonable grounds to remand. P.C. gave accused the key to person of alleged home traders leading to the facts a misappropriation of huge public fund. It is to trace out the truth, accused needs to be handed over to police for investigation purpose. Hence accused is remanded on PCR till 29.7.02 till here produced on 29.7.02 before me

18.7.02

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मुख्य न्यायदंडाधिकारी औरंगाबाद
उस्मानाबाद

12-7-26

D·798

In the Court of Chief of Judic agistrats / Sessions Judge,
At Osm abad

Cri al Case No. 106 /200 2

Crime No.

State State V/s Pandan. Exel. 14

Charges U/s

1) Name of surety Krishna S/o Pandurinath R/o Osmanabad

I do hereby my self as surety for accused No 4 (Raju) Shivaji Mane.

Who charged U/s 409, 406 I.P.C. and who has been ordered to

be relased on bill sum of Rs 15000/- in words Fifteen thousand by

the Chief Judicial Magistrate / Sessions Judge, Osmanabad 25 / 8 /200 2

2) I give below certain particulars concernin to myself

a) Full name of the surety, qualification and full residential address period for which the surety has been residing at the above address.

Rent paid for the residence whether the rent bill ane the reidence stands in surety name

Land Gat No - 71

Area - 1-38 R.

Assess - 4.56 Rs.

Situated - Warwanti.

Tq & Dist Osmanabad.

b) Occupation of business

Full bussiness address

Nature and extent of the business and surety share here in

Rent paid for the place of business whether the rent bill of the place of business stands in surety Name

c) Name and address of employer if the suretyes in service, amount of monthly pay and allowance drawn length of service with employer Amount of provident fund if any at sureties credit.

d) Full particulars of house property owned if any his location rentable value and sureties share or interest there in whether it is any way encumbered.

Amount of income-tax paid during each of the last the years

Banking account if any

Amount now lying in each Banking account

Next _____ 200

I identify surety

Adv. Mane KD

1) Length of the time for which surety has known the accused person, whether the surety is related to the accused, if, so how, whether the surety has stood surety for any other person, if, so, state the names of the parties, the amount for which the surety has been stood surety for them, court, and the number of the case against those person or pending or have closed

Whether the surety has it any time made his surety bound for fited if, so, give particulars.

Whether the surety has at any time made application for surety which was rejected if so, give pariculars of the case

2) Any other pariculars in regards to the state of surety or income and state which the surety desire to give

3) I produce the following proof in support of my statement and give particulars of the same as bellow

Rent bill of place of resience
Ration card
Rent bill of place of business
Date of partnership or other document relating business
Certificate from the employer
Certificate of amount in the provident fund
Title deeds of properties
Municipal bill of properties
Bank pass-book
Income tax payment receipts
Other proof

4) I agree that I may declared as surety for above mentioned accused for the sum of Rs 15000/- fifteen thousand rupees only.

Solomenty affirmed that I am not surety in any other case pending before this court.

Dated, This 28th day of Aug 2012
Identified by Shri

Signature of surety
Nazir

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उस्मानाबाद
12-3-26

Accepted

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&
Compared by

Before me

Judicial Magistrate F.C.
Osmanabad
C.J.M./ Session Court Osmanabad

Pleader

In regard of solvency certificate surety is solvent & does enough to Rs 15000/-

IN THE COURT OF HON'BLE CHIEF JUDICIAL MAGISTRATE,
OSMANABAD.

CRIMINAL APPLN. NO. OF 2025

In Reg. Cr. Case. No. 398/ 2002

APPLICANT: Sanjay Hariram Agarwal,
aged about 60 years, r/o 7 Hari Sava Street
Kidderpore, Kolkata – 700023.

-V/s-

NON-APPLICANTS: State of Maharashtra.
Through P.S.O. of P.S Osmanabad
District: Wardha

APPLICATION OF THE APLICANT ABOVENAMED

1. That during the course of trial, several exhibits and articles were marked through the prosecution witnesses. At present, the Applicant does not have copies of the said marked exhibits and articles with him.
2. That the learned Advocate who was conducting the matter for the Applicant, Mr. Milind Shankarrao Patil, has unfortunately been ill and is presently not appearing before this Hon'ble Court. Due to the said circumstances, the Applicant is unable to obtain the marked exhibits and articles from the said Advocate.
3. That in view of the above difficulty, the Applicant is in the process of applying for certified copies of the marked exhibits and articles, and the same are awaited.
4. That without perusal of the exhibits and articles which were relied upon by the prosecution witnesses, the Applicant would be seriously handicapped in giving statement under Section 313 Cr.P.C., which would cause grave prejudice to his defence.
5. That the Applicant therefore prays that this Hon'ble Court may be pleased to grant three weeks time from the date of receipt of the certified copies of the exhibits to enable the Applicant to appear and give his statement under Section 313 Cr.P.C..

Prosecution to say
17/2/2026

6. That the present application is filed bona fide, in the interest of justice, and not with any intention to delay the proceedings.

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) Grant three weeks time from the date of receipt of certified copies of the marked exhibits and articles for recording the statement of the Applicant under Section 313 Cr.P.C.; ——————————————————————— and

b) Pass such other order as this Hon'ble Court may deem fit in the interest of justice.

Date:- 10/2/2026 ACCUSED NO 7

Through

Adv B.R Mane

Say of App

Honible & Respected;

In above Matter Applicant filed this application have No any base. Certified Copies of exhibited documents are not required for statment u/s 313 Cr.pc. Matter is time bond Matter and alredy More time granted to accused, Hence accused have no necessary three weeks time for certified copies.

Hence application rejected.

Through

Dt-17/2/2026

V.S.Shewalkar

App. Dharashiv (CIH)

R.C.C. No. 398/2002

ORDER BELOW EXH. 1125

1. Accused No. 7 has filed present application and thereby prayed to grant three weeks time from the date of receipt of certified copies of the exhibited documents and articles for recording his statement under Sec. 313 of Code of Criminal Procedure.

2. It is contended that the advocate who was conducting his matter is not appearing before the court due to illness. Therefore the accused is unable to obtain the required documents from his advocate. It is further contended that he is in the process of applying for certified copies of the marked exhibits and articles, and the same are awaited.

3. It is further contended that without perusal of the exhibited documents and articles which were relied upon by the prosecution witnesses, he would be seriously handicapped in giving statement under Sec. 313 Cr.P.C. which would cause grave prejudice to his defence. Hence he has prayed to grant three weeks time from the date of receipt of the certified copies of the exhibited documents to enable him to give his statement under Sec. 313 Cr.P.C.

4. Prosecution has taken strong objection on this application by filing its say on the back side of the application. It is contended that the application is baseless. It is further contended that certified copies of the required documents are not required for recording of statement under Sec. 313 of Cr.P.C. It is further contended that the present matter is time bound matter and already sufficient time has been granted to the accused. Hence further three weeks time should not be granted to the accused. Hence on all these grounds prosecution has prayed to reject the application

5. Heard Ld. Advocate Shri. B.R.Mane for accused No. 7 and

Shri. V.S.Shevalkar Ld. APP for the State.

6. Perusing application, say thereon and considering submissions it appears that the present matter is fixed for recording of statement of accused No. 7 under Sec. 313 of Cr.P.C. Perusal of record shows that the present case is pending since the year 2002. Further as per the directions of the Hon'ble Apex Court the matter is required to be disposed of on or before 15.07.2026. Further record shows that the evidence of the prosecution came to be closed on 31.10.2025 by passing an order below Exh. 1. In the said order it was specifically mentioned that matter is posted for recording of statement of all the accused under Sec. 313 of Cr.P.C. and all the accused are directed to remain present on 07.11.2025 for recording their statements. However thereafter the present accused remained absent on 07.11.2025 as well as on 12.11.2025 and therefore statement of remaining accused were recorded on 12.11.2025 and matter posted for recording of statement of present accused on 17.11.2025. Since then on one pretext or other, the accused No. 7 is remaining absent and avoiding to record his statement under Sec. 313 of Cr.P.C.

7. Now the accused has filed present application and thereby submitted that he is applying for certified copies of the exhibited documents and articles and after getting those copies, he will require three weeks time to give his statement under Sec. 313 of Cr.P.C. As stated herein above the evidence of the prosecution came to be closed on 31.10.2025 and the matter was posted for recording of statement under Sec. 313 of Cr.P.C. on 07.11.2025. The accused No. 7 was present before the court on 31.10.2025 when the evidence of the prosecution was closed and directions were given to remain present on 07.11.2025 for recording

of the statement under Sec. 313 of Cr.P.C. Therefore the accused could have filed the present application earlier. However inspite of having sufficient opportunities the accused failed to apply earlier for the reasons best known to him. The entire conduct of the accused No. 7 shows that he is unnecessarily prolonging the time bound matter.

8. Nevertheless, in order to give fair opportunity to the accused to give his statement under Sec. 313 of the Cr.P.C., one week time is granted to the accused to obtain certified copies of the required documents. Bench clerk of this court is directed to supply the certified copies of all the required documents as per rules to the accused within one week of receipt of application from the accused. Accused is directed to submit the application mentioning the proper description of all the required documents alongwith their exhibit numbers to the court within two days. If accused failed to apply within two days, then no further time will be granted to the accused for applying for certified copies of the required documents. Accused No. 7 to note and comply accordingly.

24/2/2026

Date:- 24/02/2026

(Smt. Pradnya V. Medhe)
Addl. C. J. M.Osmanabad.

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12-3-26
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

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RCC No. 378/02
GCSIC / पनवेल

गकामुना (जे-१४)-३-२००८-५,००,०००-पीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 20-2-53.

दिवाणी अ २७ म. इं.
Civ. A 27 m. c.

नि. क्र.
Exhibit No. 297

तर्फे साक्षीदार क्रमांक 22 यांची जवानी

Deposition of Witness No. for the

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible]

वडिलांचे नाव
Father's name [illegible]

धर्म
Religion

वय सुमारे
Age about 32 Years

व्यवसाय
Occupation [illegible]

निवासस्थान
Residence [illegible]

जिल्हा
District [illegible]

सरतपाराणी
Examination-in-chief

[illegible]

सहीदार [illegible]

[illegible]

पोलीस ठाणे बोरगिल. गु.रजि. 90/02
मधील आरोपी पकडणे शिवाकडे यांनी
सहभाग घेतला आहे.
हे खरे नाही की माझा समक्ष पकडणे
शिवाकडे यांनी हे बाजूचा सहभाग
घेतला.. हे खरे नाही त्यांनी पोलिसांनी
पंचनामा तयार केला व वाचून त्यावर
सही केली. हे खरे आहे की मी —
कोणा बाजूचा सहभाग घेतला नाही. हे
खरे नाही की मी आरोपींना वाचविण्याची
खोटी साक्ष देत आहे

उलट तपास आरोपी नं. 3 तर्फे वानखेडे यांनी

उलट तपास आरोपी नं 4 तर्फे सोलंकी यांनी

उलट तपास आरोपी नं. 5 तर्फे गवारे यांनी

आरोपी नं 6 तर्फे एन.एम. पाटील यांनी

आरोपी नं 2 तर्फे आर. एम. गवळी यांनी

PCR No. 398/02
(ગુજરાત) પબ્લિક વર્ક્સ
નિ.નં. 297

આરોપીનું ૯ નંબર એ.બી.સી. રિપોર્ટ ઉપર

નાશકારક

આરોપીનું ૧૦ નંબર નકારાત્મક ઉપર

નાશકારક

શ્રી નિર્દોષ મિશ્રા

મુકેશ ચમન રેડ્યિયોલોજી
અમદાવાદ

મુકેશ નયન યુનિ
નિવાસ ૯૧૨૨૧૪૪

R.C.C. No. 398/2002
Exh. No.818

Deposition of witness No. 22 for State.

I do hereby state on solemn affirmation that:

c/495

My name is : Muniroddin Naimoddin Kazi.

Age about : 38 years.

Occupation : Business.

Residence at : Anand Nagar, Osmanabad.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 18/8/2002 I was present in the police station. Police obtained the signature on the blank paper. Panchnama now shown to me, it bears my signature. I don't know its contents. Now six papers are shown to me, it bears my signature.

The witness is not supporting to the prosecution. Hence on the oral request of learned Spl. P.P. he is declared as hostile and permission granted for leading questions.

Cross. by Spl. P.P.

It is not true to say that police called me in the police station and asked to remain present for preparing the panchnama regarding obtaining specimen signature of Pawanraje Nimbalkar in crime No. 106/2002. It is not true to say that accordingly in my presence Pawanraje Nimbalkar signed over six papers. It is not true to say that accordingly police prepared the panchnama and after reading its contents I signed over it. It is true to say that generally I did not sign without reading the paper. It is not true to say that today I depose false to save the accused.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Declined.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

Declined.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Declined.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Declined.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Declined.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Declined.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Declined.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-9/12/2014.

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सहायक निबंधक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

RCC No 398/02
एटीसी/पनवेल कोर्ट

भकागुना (रे.-८७)-३-२००८-५,००,०००-पीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53

दिवाणी अ २७ ग. इं.
Civ. A 27 m. e.

नि. क्र.
Exhibit No. 290. 290.

तर्फे साक्षीदार क्रमांक 29 यांची जवानी

Deposition of Witness No. 29 for the एटीसी कोर्ट

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible]

वडिलांचे नाव
Father's name विठ्ठलनाथ पांडेय

धर्म
Religion

वय सुमारे
Age about 30 वर्षे Years

व्यवसाय
Occupation शेती

निवासस्थान
Residence [illegible] ता. वाशी

जिल्हा
District उस्मानाबाद

सरतपासणी
Examination-in-chief

१८/८/०२ रोजी पो.ठाणे येथे लाट येथे पोलिसांनी छापा घातला वगैरे. पंचनामा दाखविला असता मान्य आहे. नाकूर बाबत माहिती नाही.
मला आता ६ पेपर दाखविले असता माझा सहीचे आहेत

लाचखोर रिमुट

उलट तपास उपरोक्त पडवानगी देणारा आणि [illegible] नाही ही पोलिसांनी मला पोलीसांनी

येथे बोलविले. गु.रि.नं 90/02 मधील.
आरोपी पवनराज शिंदेकडे सोन्याचे
नमुने देणे आहेत.
हे खरे नाही की माझा मुलगा पवनराज
शिंदेकडे मोठी रक्कम मागायचा होता.
हे खरे नाही त्या प्रमाणे पोलिसांनी पंचनामा
नाशिक येथे व नमुने सोबत घेतले होते.
माझे शिक्षण 12 वी पर्यंत झाले आहे.
हे खरे आहे की, मी मी ते-मा मागायचे
मुलगा होता नाही. हे खरे नाही की
मी आरोपीला वामनिये गावी स्वतःची कार
देत आहे.

उलट नाव आरोपीचे 3 नंबर नानकडे

नाशिकला

उलट नाव आरोपीचे 4 नंबर लोंढे

नाशिकला

आरोपीचे 5 नंबर नाव नाशिक

नाशिकला

उलट नाव आरोपीचे 6 नंबर एकनाथ पाटील

नाशिकला

RCE NO. 398/02
GCBAC/ പരസ്യം
നിലവിൽ .....

ആരോപിതൻ 8 പേർ ആർ. ആർ. വാർഡ് ഓഫ് 1991

താമസം

ആരോപിതൻ 9 പേർ എം. എം. ഷിൻഡെ ഓഫ്

താമസം

ആരോപിതൻ 10 പേർ ശ്രീ നരിയാപുരം ഓഫ്

താമസം

ശ്രീ നിർമ്മൽ ജിഹൻ

മുൻ ഫാസ്റ്റ്ട്രാക്ക്
ജഡ്ജി

R.C.C. No. 398/2002
Exh. No.817

Deposition of witness No. 21 for State.

I do hereby state on solemn affirmation that:

My name is : Vaibhav Vishwanath Patil.

Age about : 30 years.

Occupation : Agriculturist.

Residence at : Kadaknathwadi, Tq. Washi.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 18/8/2002 I was present in the police station. Police obtained the signature on the blank paper. Panchnama now shown to me, it bears my signature. I don't know its contents. Now six papers are shown to me, it bears my signature.

The witness is not supporting to the prosecution. Hence on the oral request of learned Spl. P.P. he is declared as hostile and permission granted for leading questions.

Cross. by Spl. P.P.

It is not true to say that police called me in the police station and asked to remain present for preparing the panchnama regarding obtaining specimen signature of Pawanraje Nimbalkar in crime No. 106/2002. It is not true to say that accordingly in my presence Pawanraje Nimbalkar signed over six papers. It is not true to say that accordingly police prepared the panchnama and after reading its contents I signed over it. I studied up to 12th standard. It is true to say that generally I did not sign without reading the paper. It is not true to say that today I depose false to save the accused.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Declined.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

Declined.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Declined.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Declined.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Declined.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Declined.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Declined.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-9/12/2014.

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

12.1.26

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D. No. 22645/2024 /SEC-II-A
SUPREME COURT OF INDIA
NEW DELHI
15th January, 2026

From:
The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

1 THE REGISTRAR
HIGH COURT OF JUDICATURE AT BOMBAY AT AURANGABAD,
AURANGABAD BENCH
MAHARASHTRA ,
DISTRICT- AURANGABAD,
MAHARASHTRA

PID: 12189/2026 IN SLP(CRL) NO.10625-10626/2024 (SEC II-A)

2 THE CHIEF JUDICIAL MAGISTRATE,
OSMANABAD,
DISTRICT- OSMANABAD,
MAHARASHTRA
(REF: RCC NO. 398/2002)

PID: 12190/2026 IN SLP(CRL) NO.10625-10626/2024 (SEC II-A)

SPECIAL LEAVE PETITION (CRIMINAL) No(s) 10625-10626 & 4753-4754 of 2024
(From the Judgment and Order dated the 19th March, 2024 of the High Court of Judicature at Bombay at Aurangabad, AURANGABAD BENCH, MAHARASHTRA in CRLWP No. 466 of 2015)

(From the Judgment and Order dated the 19th March, 2024 of the High Court of Judicature at Bombay at Aurangabad, AURANGABAD BENCH, MAHARASHTRA in CRLA No. 2224 of 2015)

THE OSMANABAD DISTRICT CENTRAL CO-OPERATIVE BANK LTD. ... Petitioner(s)/ Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA ... Respondent(s)

Sir,

In continuation of this Registry's letter dated 19.08.2025, please find enclosed herewith a certified copy of this Hon'ble Court's Record of Proceeding dated 09th January, 2026, passed in the matter above mentioned, for necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR

Asstt.Suptd.
C.J.M., Court,Osmanabad

C.C. to compl

Computer generated page number 670 of 931

ITEM NO.44 COURT NO.5 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10625-10626/2024

[Arising out of impugned final judgment and order dated 19-03-2024 in CRLWP No. 466/2015 19-03-2024 in CRLA No. 2224/2015 passed by the High Court of Judicature at Bombay at Aurangabad]

THE OSMANABAD DISTRICT
CENTRAL CO-OPERATIVE BANK LTD. Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)
IA No. 283455/2025 - EXTENSION OF TIME
IA No. 283534/2025 - INTERVENTION APPLICATION

WITH
SLP(Crl) No. 4753-4754/2024 (II-A)
IA No. 113645/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 81426/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 85031/2024 - EXEMPTION FROM FILING O.T.
IA No. 113649/2024 - EXEMPTION FROM FILING O.T.
IA No. 90066/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 85030/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 09-01-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Ms. Priyanka Deshpande, Adv.
Dr. R. R. Deshpande, AOR
Mr. Bhagwant Deshpande, Adv.

Mr. Shyam Divan, Sr. Adv.
Ms. Anagha S. Desai, AOR
Mr. Satyajit A Desai, Adv.
Mr. Sachin Singh, Adv.
Mr. Pratik Kumar Singh, Adv.
Mr. Sanchit Agrahari, Adv.
Mr. Shashank Upadhayay, Adv.
Mr. Madhur Duggal, Adv.

Mr. Parth Johri, Adv.

For Respondent(s) Dr. R. R. Deshpande, AOR
Ms. Priyanka Deshpande, Adv.
Mr. Bhagwant Deshpande, Adv.

Mr. Shyam Diwan, Sr. Adv.
Mr. Satyajit A. Desai, Adv.
Mr. Sachin Singh, Adv.
Mr. Pratik Kumar Singh, Adv.
Mr. Parth Johri, Adv.
Ms. Anagha S. Desai, AOR

Mr. Abhikalp Pratap Singh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Ms. Aagam Kaur, Adv.
Mr. Kartikey, Adv.
Ms. Gayatri Agarwal, Adv.
Ms. Shubhangi Agarwal, Adv.
Mr. Utkarsh Kumar, Adv.

Ms. Surabhi Guleria, AOR

Mr. S. Nagamuthu, Sr. Adv.
Mr. Pawanshree Agrawal, AOR
Ms. Aakriti Goel, Adv.
Ms. Kriti Jain, Adv.
Ms. Kamana Divya Sree, Adv.

UPON hearing the counsel the Court made the following

O R D E R

IA No. 283455/2025 - EXTENSION OF TIME IN SLP (Crl.) NOS.10625-10626/2024

Learned Senior counsel, appearing for the applicant, seeks to withdraw the application.

Though we are inclined to grant the said prayer, it seems to us that our direction issued, for the early disposal of the trial is not being complied with, on one pretext or the other.

We have been informed that the High Court has also passed an appropriate order directing the Trial

Court to frame the charges. We make it clear that after the framing of the charges, the Trial Court shall proceed with the trial expeditiously, and shall make an endeavour to dispose of the same, within a period of six months after framing the charges.

We further direct that the parties shall cooperate with the conduct of the Trial.

In the event of any of the parties not cooperating with the trial, the Trial Court is at liberty to pass appropriate orders for ensuring their presence.

The application stands dismissed as withdrawn with the aforesaid directions and clarifications.

We make it clear that no further extension shall be granted.

List the ~~main~~ matters on 16.02.2026.

13/1/2026
(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

13/1/26
(POONAM VAID)
ASSISTANT REGISTRAR

13/1

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सहायक अभिलेखक
मुख्य न्यायाधीश के न्यायालय
उत्तराखण्ड

12-3-26

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1 नियमीत फौ.खटला क्र.३९८/२००२
शासन वि. पवन व इतर
नि.क्र.९९२

सरकार पक्षातर्फे साक्षीदार क्र.२३ यांची जबानी

मी शपथेवर निवेदन करतो की,

नाव – मधुकर प्रल्हाद कदम

वय – ६१ वर्षे, व्यवसाय – सेवानिवृत्त पोलीस हवालदार

राहण्यार – भुम, ता.भुम, जि. धाराशिव (उस्मानाबाद).

सरतपासे सरकार पक्षातर्फे विधीज्ञ श्री. आर.एस.शेवाळकर यांचे मार्फत

१ दिनांक ०८.०५.२००२ रोजी मी शहर पोलीस स्टेशन येथे पोलीस कॉन्स्टेबल म्हणुन कार्यरत होतो. त्यावेळी पोलीस निरीक्षक म्हणुन श्री. बी.बी.रेड्डी हे कार्यरत होते. मी त्यांना मदतनिस म्हणुन काम पाहात होतो. दिनांक ०८.०५.२००२ रोजी सी.आर.नं. १०६/२००२, भा.द.वि.कलम ४०६,४०९, ४२० सह ३४ अन्वये गुन्हा दाखल झाला होता. सदर गुन्हयाचा तपास श्री. बी.बी.रेड्डी पोलीस निरीक्षक यांच्याकडे होता. पोलीस निरीक्षक रेड्डी हे ३–४ वर्षापुर्वी मयत झाले तपासादरम्यान पोलीस निरीक्षक रेड्डी यांच्या आदेशानुसार व सुचनेनुसार मी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेसोबत पत्रव्यवहार केला होता. सदर पत्रव्यवहार माझ्या हस्ताक्षरात होता व त्यावर पोलीस निरीक्षक रेड्डी यांच्या सहया होत्या. दि. २०.०५.२००२ रोजी साक्षीदार काशिनाथ निवृत्ती गोरे यांचा जबाब नोंदवला होता. दि.१८.०५.२००२ रोजी जिल्हा मध्यवर्ती सहकारी बँकेचे मुख्याधिकारी यांनी मागणी केल्याप्रमाणे हजर केलेल्या कागदपत्रांचा जप्ती पंचनामा मी माझ्या हस्ताक्षरात केला होता. साक्षीदाराला नि.क्र. ६८४ वरील जप्ती पंचनामा दाखवण्यात आला. सदर पंचनामा माझ्या हस्ताक्षरात आहे. त्यावर पोलीस निरीक्षक

रेड्डी यांची सही आहे. मी त्यांच्यासोबत काम केल्याने मी त्यांची सही ओळखतो. त्यानंतर दि. ०१.०७.२००२ रोजी साक्षीदार लक्ष्मण मारुती पवार यांचा जबाब नोंदवला. दि. ०३.०६.२००२ रोजी वाशी,नवी मुंबई येथे होम ट्रेड लि.यांच्या कार्यालयामध्ये जाऊन रोखे खरेदी केलेली पावती जप्त करुन तीचा जप्ती पंचनामा केला. साक्षीदाराला दि.०३.०६.२००२ रोजीचा जप्ती पंचनामा दाखवण्यात आला. सदर पंचनामा माझ्या हस्ताक्षरात आहे. त्यावर पोलीस निरीक्षक रेड्डी यांची सही आहे. मी त्यांच्यासोबत काम केल्याने मी त्यांची सही ओळखतो. दि.०३.०६.२००२ रोजीच्या जप्ती पंचनाम्यावरील पोलीस निरीक्षक रेड्डी यांच्या सहीला आता **नि.क्र. ९९३** देण्यात येतो. त्यानंतर दि. १९.०८.२००२ रोजी उस्मानाबाद जि.म.स. बँकेचे प्रोसिडींग बुक पोलीस स्टेशन पोलीस कॉन्स्टेबल श्री. कोळेकर यांनी हजर केल्याने ते जप्त केले. साक्षीदाराला दि.१९.०८.२००२ रोजीचा जप्ती पंचनामा दाखवण्यात आला. सदर पंचनामा माझ्या हस्ताक्षरात आहे. त्यावर पोलीस निरीक्षक रेड्डी यांची सही आहे. मी त्यांच्यासोबत काम केल्याने मी त्यांची सही ओळखतो. दि.१९.०८.२००२ रोजीच्या जप्ती पंचनाम्यावरील पोलीस निरीक्षक रेड्डी यांच्या सहीला आता **नि.क्र. ९९४** देण्यात येतो. दि. १८.०८.२००२ रोजी महाराष्ट्र राज्य सहकारी बँक, मुंबई यांना पत्र पाठवुन त्यांचेकडील डे बुकचा उतारा व त्यावर सही करणा-या अधिका-याचे नाव याबाबतची माहिती मागवली होती. साक्षीदाराला दि.१८.०८.२००२ रोजीचे पत्र दाखवण्यात आले. सदर पत्र माझ्या हस्ताक्षरात आहे. त्यावर पोलीस निरीक्षक रेड्डी यांची सही आहे. मी त्यांच्यासोबत काम केल्याने मी त्यांची सही ओळखतो. दि.१८.०८.२००२ रोजीच्या पत्रावरील पोलीस निरीक्षक

रेड्डी यांच्या सहीला आता **नि.क्र. ९९५** देण्यात येतो. सदर पत्राच्या अनुषंगाने महाराष्ट्र राज्य सहकारी बँक, मुंबई यांनी बँकेचा डे बुक उतारा व अधिका–याचे नाव इत्यादी माहिती दिली. त्यानंतर दि. १४.०९.२००२ रोजी हस्ताक्षर तज्ञांना सहयांचे नमुने तपासणीकरीता पाठवले. साक्षीदाराला दि. १४.०९.२००२ रोजीचे पत्र दाखवण्यात आले. सदर पत्र माझ्या हस्ताक्षरात आहे. त्यावर पोलीस निरीक्षक रेड्डी यांची सही आहे. मी त्यांच्यासोबत काम केल्याने मी त्यांची सही ओळखतो. दि. १४.०९.२००२ रोजीच्या पत्रावरील पोलीस निरीक्षक रेड्डी यांच्या सहीला आता **नि.क्र. ९९६** देण्यात येतो. तपास पुर्ण झाल्यानंतर पोलीस निरीक्षक रेड्डी या न्यायालयात आरोपींविरुध्द दोषारोपपत्र दाखल केले.

उलटतपास आरोपी क्र. ३ तर्फे वकिल श्री.बी.एस.जगताप यांचे मार्फत

२. हे म्हणणे खरे आहे की मी स्वतः प्रस्तुत गुन्हयाचा तपास केलेला नाही. हे म्हणणे खरे आहे की माझ्याविरुध्द लाचलुचपत प्रतिबंध कायदयाअंतर्गत गुन्हा दाखल झालेला आहे. हे म्हणणे खरे नाही की सरतपासातील संपुर्ण मजकुर खोटा कथन केला आहे.

उलटतपास आरोपी क्र. ४ तर्फे वकिल श्री.एस.एस.तांबे यांचे मार्फत

३. हे म्हणणे खरे आहे की मला पत्रव्यवहार करण्याबाबत लेखी आदेश नव्हता. साक्षीदार सांगतो की त्याने फक्त पत्रातील मजकुर लिहिला आहे. हे म्हणणे खरे आहे की पत्रव्यवहार किंवा जबाब माझ्या हस्ताक्षरात आहे याबाबत पत्रांमध्ये किंवा जबाबामध्ये नमुद नाही. घटनेच्या वेळी मी श्री. बी.बी.रेड्डी यांचेकडे मदतनीस म्हणुन कामास होतो याबाबत कोणताही कागदोपत्री पुरावा मी दाखल केलेला नाही. हे

म्हणणे खरे नाही की मी प्रस्तुत गुन्हयाच्या तपासामध्ये कोणतेही कामकाज केलेले नसुन केवळ सरकार पक्षाला मदत करण्याकरीता खोटी साक्ष देत आहे. हे म्हणणे खरे नाही की जप्ती पंचनामे व पत्रव्यवहार माझ्या हस्ताक्षरात आहे हे खोटे कथन करत आहे. हे म्हणणे खरे नाही की मी तपासीक अधिकारी पोलीस निरीक्षक श्री. रेड्डी यांची सही ओळखतो हे खोटे कथन करत आहे. हे म्हणणे खरे नाही की खोटी साक्ष देत आहे.

उलटतपास आरोपी क्र. ५ तर्फे वकिल श्री.ए.डी.गपाट यांचे मार्फत

४. आरोपी क्र. ३ व ४ तर्फे घेण्यात आलेला उलटतपास आरोपी क्र. ५ च्या वतीने स्विकारण्यात आला.

उलटतपास आरोपी क्र. ७ तर्फे वकिल श्री.बी.आर.माने यांचे मार्फत

५. हे म्हणणे खरे आहे की दि. ०३.०६.२००२ रोजी आम्ही वाशी मुंबई येथे होम ट्रेड लि. यांच्या कार्यालयामध्ये गेलो होतो हे दाखवण्याकरीता कोणताही कागदोपत्री पुरावा दाखल केलेला नाही. साक्षीदार सांगतो की तेथे केलेला जप्ती पंचनामा दाखल केला आहे. होम ट्रेड लि. यांच्या कार्यालयामध्ये जाण्यापुर्वी त्यासंदर्भात स्टेशन डायरीमध्ये नोंद घेतली होती. सदर नोंदीची प्रत दाखल केलेली नाही. हे म्हणणे खरे आहे की होम ट्रेड लि. यांच्या कार्यालयातुन रोखे खरेदीची पावती मी स्वतः जप्त केलेली नाही. हे म्हणणे खरे आहे की दि. ०३.०६.२००२ रोजी मी कर्तव्यावर हजर होतो हे दाखवण्याकरीता कागदोपत्री पुरावा दाखल केलेला नाही. हे म्हणणे खरे नाही की तपासादरम्यान होम ट्रेड लि. यांच्या कार्यालयात गेलो नाही तसेच तेथे काहीही जप्त करण्यात आलेले नाही. हे म्हणणे खरे नाही की पंचनामा

पोलीस स्टेशनमध्ये बसुन तयार केला. हे म्हणणे खरे नाही की पंचनामा माझ्या हस्ताक्षरात असुन त्यावर पोलीस निरीक्षक श्री. रेड्डी यांची सही आहे हे खोटे सांगत आहे. हे म्हणणे खरे नाही की सरकार पक्षास मदत व्हावी म्हणुन खोटी साक्ष देत आहे.

उलटतपास आरोपी क्र. ८ तर्फे वकिल श्री.पी.डी.उंबरे यांचे मार्फत

६. आरोपी क्र. ३,४,५ व ७ तर्फे घेण्यात आलेला उलटतपास आरोपी क्र. ८ च्या वतीने स्विकारण्यात आला.

उलटतपास आरोपी क्र. ९ तर्फे वकिल श्री.व्ही.व्ही.शिंदे यांचे मार्फत

७. हे म्हणणे खरे नाही की जप्ती पंचनाम्यांवर, जबाबांवर व पत्रव्यवहारांवर तपासिक अधिकारी रेड्डी यांच्या सहया असल्याचे खोटे कथन केले आहे. हे म्हणणे खरे नाही की जप्ती पंचनाम्यांवर, जबाबांवर व पत्रव्यवहारांवर तपासिक अधिकारी रेड्डी यांच्या सहया नाहीत. पंचनामे लिहिणे, जबाब लिहिणे व पत्रव्यवहार करणे याबाबत मला तपासी अधिकारी रेड्डी यांचे लेखी आदेश नव्हते. हे म्हणणे खरे आहे की मी प्रस्तुत गुन्हयाचा तपासी अधिकारी नाही. हे म्हणणे खरे नाही की मी होम ट्रेड लि. यांच्या कार्यालयात गेलो नव्हतो व तेथे काही जप्त केले नव्हते. हे म्हणणे खरे नाही की मला तपासाचे कोणतेही अधिकार नसताना खोटया कागदपत्रांच्या आधारे साक्ष दिली आहे. हे म्हणणे खरे नाही की सरतपासात कथन केल्याप्रमाणे कोणतीही जप्ती झाली नसुन कोणतेही जप्ती पंचनामे तयार करण्यात आले नाहीत. हे म्हणणे खरे नाही की मी तपासी अधिकारी रेड्डी यांची सही ओळखु शकत नाही. हे म्हणणे खरे नाही की सरतपासातील संपुर्ण मजकुर खोटा कथन केले आहे.

उलटतपास आरोपी क्र. १० तर्फे वकिल श्री.पी.एम.नळेगांवकर यांचे मार्फत

८. हे म्हणणे खरे आहे की प्रस्तुत गुन्हयासंदर्भात कोणताही तपास करण्याचा मला अधिकार नाही. साक्षीदार काशिनाथ गोरे आणि लक्ष्मण पवार यांचे जबाब तपासिक अधिकारी श्री. रेड्डी यांनी नोंदवले आहेत. सदर जबाब माझ्या हस्ताक्षरात असल्याबाबत जबाबावर माझी सही किंवा इतर शेरा नाही. हे म्हणणे खरे आहे की मी सरतपासात कथन केलेल्या जप्ती पंचनाम्यांवर माझ्या सहया नाहीत तसेच पत्रव्यवहारांवर देखील माझ्या सहया नाहीत. हे म्हणणे खरे आहे की तपासिक अधिकारी रेड्डी यांनी पंचनामा करण्याकरिता किंवा जबाब नोंदवण्याकरिता किंवा पत्रव्यवहार करण्याकरिता मला लेखी आदेश दिले नव्हते. हे म्हणणे खरे नाही की खोटी साक्ष देत आहे.

उलटतपास पुर्ण
फेरतपास काही नाही

श्रवणोत्तर स्विकृती
16/10/2025.
(श्रीमती प्रज्ञा व्ही.मेढे)
अति.मुख्यन्यायदंडाधिकारी, उस्मानाबाद

दिनांक – १६.१०.२०२५

Deposition of witness No. 23 for the State

I do hereby state on solemn affirmation that :
Name - Madhukar Pralhad Kadam
Age - 61 years, Occupation – Retired PHC
R/o - Bhoom, Tq. Bhoom, Dist. Dharashiv (Osmanabad)

Examination-in-chief of witness by APP Shri. V.S.Shevalkar

1. On 08.05.2002 I was working as police constable at City Police Station. At that time Shri. B.B.Reddy was working as police inspector. I was working as his assistant. On 08.05.2002 Cr.No. 106/2002 was registered for the offences punishable under Sec. 406,409,420 r/w 34 of IPC. The investigation was assigned to police inspector Shri. B.B.Reddy. Police inspector B.B.Reddy is died prior to 3-4 years. During investigation I had made correspondence with the Osmanabad District Central Co-Operative Bank, as per the order and instruction of police inspector Shri. Reddy. The said correspondence was in my hand writing and it bears signatures of police inspector Reddy. On 20.05.20002 statement of witness Kashinath Nivrutti Gore was recorded. On 18.05.2002 seizure panchanama was prepared in my hand writing in respect of documents produced on demand by the Chief Officer of District Central Co-operative Bank. The witness is shown seizure panchanama vide Exh. 684. The said panchanama is in my hand writing. It bears signature of police inspector Reddy. I recognize his signature as I have worked with him. Thereafter on 01.07.2002 statement of witness Laxman Maruti Pawar was recorded. On 03.06.2002 the receipt of purchase of securities was seized and seizure panchanama was prepared at the office of Home Trade Ltd.

at Washi New Bombay. Witness is shown the seizure panchanama dt. 03.06.2002. The said panchanama is in my hand writing. It bears signature of police inspector Reddy. I recognize his signature as I have worked with him. The signature of police inspector Reddy on seizure panchanama dt. 03.06.2002 is marked at **Exh. 993.** Thereafter on 19.08.2002 the proceeding book of Osmanabad District Central Co-operative Bank produced by police constable Kolekar in the police station was seized. Witness is shown the seizure panchanama dt. 19.08.2002. The said panchanama is in my hand writing. It bears signature of police inspector Reddy. I recognize his signature as I have worked with him. The signature of police inspector Reddy on seizure panchanama dt. 19.08.2002 is marked at **Exh. 994**. On 18.08.2002 letter was issued to Maharashtra State Co-operative Bank, Mumbai calling information about the day book extract and the name of the officer who has signed it. Witness is shown the letter dt. 18.08.2002. The said letter is in my hand writing. It bears signature of police inspector Reddy. I recognize his signature as I have worked with him. The signature of police inspector Reddy on letter dt. 18.08.2002 is marked at **Exh. 995**. In accordance with the said letter the Maharashtra State Co-operative Bank, Mumbai had providing information about the day book extract of the bank and the name of the officer. Thereafter on 14.09.2002 the specimen of signatures were sent to the hand writing expert for investigation Witness is shown the letter dt. 14.09.2002. The said letter is in my hand writing. It bears signature of police inspector Reddy. I recognize his signature as I have worked with him. The signature of police inspector Reddy on letter

dt. 14.09.2002 is marked at **Exh. 996**. After completion of investigation Police Inspector Reddy filed charge sheet against the accused in the court.

Cross examination of the witness by Adv.Shri. B.S. Jagap for Accused No. 3

2. It is true to say that I have not personally investigated the present offence. It is true to say that an offence has been registered against me under the provisions of Prevention of Corruption Act. It is not true to say that all the contentions of examination in chief are false.

Cross- examination of witness by Adv.Shri. S.S.Tambe for accused No. 4

3. It is true to say that I was not having written order for doing correspondence. Witness volunteers that he has only written the contents of letter. It is true to say that it is not mentioned in the letters or statements that the correspondence or statements is in my hand writing. I have not filed documentary proof to show that I was assisting Shri. B.B.Reddy at the time of incident. It is not true to say that I have not done any work during the investigation of present offence and only to support the prosecution I am deposing falsely. It is not true to say that I am deposing falsely that seizure panchanama and correspondence are in my hand writing. It is not true to say that I am deposing falsely that I recognize the signature of Investigating Officer Police Inspector Shri. Reddy. It is not true to say that I am deposing falsely .

Cross- examination of witness by Adv.Shri. A.D.Gapat for accused No.5

4. Adopted the cross examination conducted for accused No. 3 and 4 on behalf of accused No. 5.

Cross- examination of witness by Adv.Shri. B.R.Mane for accused No.7

5. It is true to say that I have not filed any documentary proof on record that on 03.06.2002 we visited the office of Home Trade Ltd., at Washi, Mumbai. Witness volunteers that the seizure panchanama prepared there is filed on record. An entry was taken in the station diary before going to the office of Home Trade Ltd. The copy of said entry is not filed on record. It is true to say that I have not personally seized the receipts of purchase of securities from the office of Home Trade Ltd. It is true to say that I have not filed any documentary proof on record to show that I was on duty on 03.06.2002. It is not true to say that during investigation I had not visited the office of Home Trade Ltd. and also nothing was seized there. It is not true to say that panchanama was prepared in the police station. It is not true to say that I am deposing falsely that the panchanama is in my hand writing and it bears signature of police inspector Reddy. It is not true to say that in order to assist the prosecution I am deposing falsely.

Cross- examination of witness by Adv.Shri. P.D.Umbare for accused No.8

6. Adopted the cross examination conducted for accused No. 3,4,5 and 7 on behalf of accused No. 8.

Cross- examination of witness by Adv.Shri. V.V.Shinde for accused No.9

7. It is not true to say that I am deposing falsely that the seizure panchanamas, statements and correspondence bear signatures of Investigating Officer Reddy. It is not true to say that the seizure panchanamas, statements and correspondence do not bear signatures of Investigating Officer Reddy. I was not having written order from Investigating Officer Reddy for writing panchanama, statement and correspondence. It is true to say that I am not the Investigating Officer of the present offence. It is not true to say that I had not visited the office of Home Trade Ltd. And nothing was seized there. It is not true to say that without having any right of investigation, I am deposing falsely on the basis of false documents. It is not true to say that no seizure was conducted and no seizure panchanama was prepared as stated in the examination in chief. It is not true to say that I cannot recognize the signatureor Investigating Officer Reddy. It is not true to say that all the statements in examination in chief are false.

Cross- examination of witness by Adv.Shri. P.M.Nalegaonkar for accused No.10

8. It is true to say that I am not having any right to conduct any investigation in respect of present offence. The statements of witnesses Kashinath Gore and Laxman Pawar have been recorded by Investigating Officer Shri. Reddy. There is signature of mine or endorsement on the statements in order to show that the said statements are in my hand writing. It is true to say that the seizure panchanama and correspondence stated in examination in chief do

not bear my signature. It is true to say that Investigating Officer Reddy had not given written order to me for preparing panchanama or recording statements or for doing correspondence. It is not true to say that I am deposing falsely.

Cross examination completed.

Re-Examination: Nil

R.O. & A.C.

16/10/2025.

Date:-16-10-2025

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

TRUE COPY

सहाय्यक अभिलेखक 12-3-26
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
&
Compared by

Reg No. 398/02
उदयाद / पवन कांबळे

मकागुना (जे-८७)-३-२००८-५,००,०००-पीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

दिवाणी अ २७ ग. इं.
Civ. A 27 m. c.

नि. क्र.
Exhibit No. 209

C/48

तर्फे साक्षीदार क्रमांक 20 यांची जवानी

Deposition of Witness No. 20 for the उदयाद नगे

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की--
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible]

वडिलांचे नाव
Father's name पांडुरंग सुके

धर्म
Religion

वय सुमारे
Age about 43 वर्षे Years

व्यवसाय
Occupation नोकरी

निवासस्थान
Residence [illegible]

जिल्हा
District कोल्हापूर

सरतपासणी
Examination-in-chief

मी उलगाव्य जिल्हा सहकारी बँकेत नोकरी करीत होतो. सन 2002 मध्ये बँकेने रघुनाथ कांबळे, एक कंडक्टर यांचेवर कर्ज दावा लावला. त्यांचे व माझ्यात, बँकेत व मुलगा किशोर यांच्यात कर्ज प्रकरण ठरले. त्यांनी कर्जाची परतफेड मुलाच्या पगारातून करावी असे ठरले. त्याप्रमाणे कर्ज मंजूर झाल्याचे विलेखात मी सही केली. 39/9/02 रोजी कोल्हापूर सहकारी बँकेत माझी सहायक बँकेत उलगाव्य जिल्हा सहकारी बँकेमध्ये

खालील 30 ओळी छपून आल्या. याप्रमाणे
~~[illegible]~~ व मालकाने तारेने मागे व्यवस्थित
लोखंडी बोल्टने पाठ बेल व नंबर लिहिला.
नोंद घेतलेल्या गाड्या आणि लिहिलेली
गोष्टीत बेलाचा आणि दारोडिला लावले. पण
प्रमाण नोंद घेतली आहे. मूळ रजिस्ट्रेशनची
आणि तोच आकार आहे मूळ प्रमाण नव्हे
नोंद करावे असे नव्हे. ही खात्री 290 वर
दारोडे आहे.
उलट तपास
आरोपीचे 3 नंबर मालक कोण

मालकाने तारेने ते लोखंडी मुलांच्याकडे नसल्याचे
सांगितले आहे. ते LCB आहे तेव्हा आरोपीच्या
ताब्यात डिपाझिट घेतला आहे. ते LCB
कडे लागूनच आहेत 30 ओळी छपून ठिकाणी
पाठवून शाळेतून काढून घेतल्याचे सांगितले
पावती नागपूर कोर्टात तोंडाचे सांगितले
आहे. मालकाने ~~[illegible]~~ ठिकाण. शाळेतील
पुस्तक डिपाझिट पावती पाठविल्याचे सांगितले
आहे. तुम्ही आरोपीला पुस्तक डिपाझिट पावती
असल्याचे सांगितले आहे. तुम्हाला कोर्टात
30. ओळी सहाव्या दाखल केल्याचे ~~[illegible]~~ नाही
असे सांगितले आहे.
LCB ने मालकाने तारेने सांगितले
ईन्डी ने झूडाप बेलाची नोंद घेतली ~~[illegible]~~ सांगितले.
LCB ने मालकाने आणि आरोपीने 30 ओळी
व बोल्टने पाठ बेलाचे सांगितले.

উক্ত নথির আলোকে ৪ নম্বর নোট আউট

তে বলে আর ২৮/১০২ রেজিস্টি ও class

স্টুডেন্ট ও ডাইরেক্ট কোনো অর্ডার নাই।

উক্ত নথির আলোকে ৭ নম্বর নোট আউট

নাস্তানো

আলোকে ৬ নম্বর প্রশ্নে থাকির আউট

নাস্তানো

আলোকে ৫.২ নম্বর আর-আর নোট আউট

নাস্তানো

আলোকে ৫ নম্বর এম.এস স্টিং আউট

নাস্তানো

আলোকে ৩০ নম্বর নর্ডেমিনড আউট

নাস্তানো

উক্ত নথির সুই

রিমার্ক ৭/১২/১৪

শ্রী নির্মল কুমার

সুপারিন্টেন্ডেন্ট

মুখ্য আধিকারিক

উমাগাছি

R.C.C. No. 398/2002
Exh. No.809

Deposition of witness No. 20 for State.

I do hereby state on solemn affirmation that:

My name is : Arjun Pandurang Ghule.

Age about : 53 years.

Occupation : Service.

Residence at : Barshi, Dist. Barshi, Dist. Solapur.

c/483

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

In the year 2002 I was working as a Clerk in Account Department in Osmanabad District Central Co-operative Bank, Osmanabad. Sub-Accountant Gangne was my superior. Similarly one H.K.Tambe and V.D.Malvade were the Chief Officer. I used to issue the cheque on permission of the Chief Officer if the cash is called by the bank. I also used to make the payment of sanction bill. On 31/1/2002 Nagpur District Central Co-operative Bank has deposited 30 crore in the account of Osmanabad District Central Co-operative Bank, Osmanabad maintained in Maharashtra State Co-operative Bank, Mumbai. On 22/2/2002 Malvade Saheb has sanctioned the voucher and directed to make entry in the kird book. Accordingly I have taken the entry in the kird book. The certified copy of the extract of the kird book is shown to me, it is the same, it is at **Exh.810**. Today I brought the original kird book.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

I do not recollect whether Malvade was Chief Officer at that time. It is true to say that Head Office not entitled to put the amount in fixed deposit. It is true to say that due to that I have diverted amount of Rs. 30 crore in Zilha Parishad account. I do not recollect whether fixed deposit receipt was prepared in the name of Nagpur District Central Co-operative Bank. I don't know whether Zilha Parishad branch has given

the fixed deposit receipt. I don't know whether the fixed deposit receipt is lying in the Head Office. I don't know whether 30 crore were received in the Maharashtra State Co-operative Bank. It is not true to say that I depose false that Malvade saheb asked me to take the entry in day book. It is not true to say that Malvade saheb never sanctioned the voucher of 30 crore rupees.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

It is true to say that in day book there is no separate entry regarding 30 crore on 22/2/2002.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Declined.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Declined.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Declined.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Declined.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Declined.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-1/12/2014.

Xerox by & Compared by

TRUE COPY
12-3-26
सहायक अधिक्षक
मुख्य न्यायदंडाधिकारी अंबे न्यायालय
उस्मानाबाद

मकागुना (जे-८७)-३-२००८-५,००,०००-पीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

Reg No. 398/02
[illegible]
दिवाणी अ २७ ग. इं.
Civ. A 27 m. c.

नि. क्र.
Exhibit No. 208

तर्फे साक्षीदार क्रमांक 9e यांची जवानी
Deposition of Witness No. 9e for the [illegible]

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible]

वडिलांचे नाव
Father's name [illegible]

धर्म
Religion

वय सुमारे
Age about 82 Years

व्यवसाय
Occupation [illegible]

निवासस्थान
Residence [illegible]

जिल्हा
District [illegible]

सरतपाराणी
Examination-in-chief

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

हे खटले नाशिक पोलीसिंग ची मालमत्ता
[illegible] विरुद्ध [illegible] आणि [illegible]
[illegible] ह्या बेकायदेशीर [illegible] मानुन [illegible].
हे खटले नाशिक [illegible] व [illegible]
मानुन [illegible] प्रत्येक ची 92 [illegible]
[illegible] आहेत. मला आणि [illegible]
व [illegible] मानुन 92 [illegible]
[illegible] मालमत्ता [illegible] आहेत ते [illegible]
C04/9 ते C04/92 [illegible] आहेत. C [illegible]
[illegible] मान्य [illegible] अधिकारी [illegible]
[illegible] देणार [illegible] आहेत) हे खटले नाशिक
[illegible] मालकी, [illegible]
[illegible] व [illegible] प्रत्येकी ह्या [illegible]
मालमत्ता [illegible] मानुन [illegible]. [illegible] 92 [illegible]
मला [illegible] मालमत्ता [illegible] आहेत ते
[illegible] C06/9 ते C06/92 C [illegible] [illegible]
[illegible] अधिकारी [illegible]
देणार आहेत) हे खटले नाशिक ची [illegible]
[illegible] मालमत्ता [illegible]. [illegible] व [illegible] प्रत्येकी
ह्या मानुन [illegible] 92 [illegible] मला
[illegible] मालमत्ता [illegible] आहेत ते [illegible]
C06/9 ते C06/92 [illegible] [illegible]
C [illegible] [illegible] मान्य [illegible] अधिकारी [illegible]
[illegible] देणार [illegible] आहेत)

C/408 তিরাণী ২০৪

ক কেৰে নাৰী পোলিচিনী সহায় কেন্দ্ৰ

হিংসাত্মক আক্ৰমণ সংৰক্ষণ আইন ২০০৫ অনুযায়ী প্ৰতিকাৰ লাভ কৰিবলৈ এই দাবীদাৰে কোৰ্টত দাখিল কৰা আৱেদন তে. তিৰাণী ২০৩/২০১ আৰু ২০২/২২ দাবীদাৰীৰ আৰু আইনৰ প্ৰয়োগত থকা মান্য বুলি অভিযোগ কৰোঁতা পুৰুষ তিৰাণী দেখান কৰা হৈছে)

মাননীয় বিচাৰক — ক পৰিবাৰ পৰিচালনা আৰু ক কেৰে আৰু খ পৰিবাৰৰ অভিযোগী ভাগৰ বাসীন্দা হিচাপে উভয় বুলিত নাথাকি ক কেৰে নাৰী পোলিচিনী সহায় কেন্দ্ৰ — মাটৰী — পেমাগাম নগৰ ইলৈ খ সহায় কেন্দ্ৰ বৰ্ষিৰ কোৰ্টৰ এক অসৎ ক অভিযোগ অনুযায়ী বাদ। ক কেৰে নাৰী খ আৰোপিতা বাসতিৰ উভয় বোৰী লাভ দিব আৰে।

আৰোপিত ৩ নম্বৰ নাগৰিক মৰ্ত

নাগৰিক

আৰোপিত ৪ নম্বৰ নাৰী মৰ্ত

নাগৰিক

আৰোপিত ৫ নম্বৰ ৰাখাল মৰ্ত

নাগৰিক

আৰোপিত ৬ নম্বৰ এনজিও পাৰ্কৰ মৰ্ত

নাগৰিক

ആരോപിതൻ 8 നമ്പ് [illegible]

നാമനിർദ്ദേശം

ആരോപിതൻ 9 നമ്പ് [illegible]

നാമനിർദ്ദേശം

ആരോപിതൻ 10 നമ്പ് [illegible]

നാമനിർദ്ദേശം

[illegible]

[illegible]

[illegible]

R.C.C. No. 398/2002
Exh. No.804

Deposition of witness No. 19 for State.

I do hereby state on solemn affirmation that:

My name is : Amarsing Vasantrao Kirdatta.

Age about : 42 years.

Occupation : Agri.

Residence at : Anand Nagar, Osmanabad.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 6/6/2002 I went to the Osmanabad City Police Station. In police station panchnama was ready I signed over it. Panchnama now shown to me, it bears my signature, I don't know its contents.

The witness is not supporting to the prosecution. Hence on the oral request of learned Spl. P.P. he is declared as hostile and permission granted for leading questions.

Cross. by Spl. P.P.

It is not true to say that P.I. Reddy called me in the Osmanabad City Police Station for preparing the panchnama. It is not true to say that in a police station police obtained the specimen signature and handwriting of one Arun Jivanrao Deshpande on separate six papers. It is not true to say that after obtaining the specimen of handwriting and signature I signed over the 12 papers. Now the 12 papers of specimen signature and handwriting are shown to me, it bears my signature as a panch, they are at Exh. 805/1 to 805/12 (witness is admitting his signature over the 12 papers hence to that extent only exhibit is given).

It is not true to say that on the same day police also obtained the specimen handwriting and signature of one Vinayak Digambarrao Malvade on six paper each. Now 12 papers are shown to me, it bears my signature, they are at Exh. 806/1 to 806/12(witness is admitting his signature over the 12 papers hence to that extent only exhibit is given).

It is not true to say that on the same day police also obtained the specimen handwriting and signature of one Harischandra Kashinath Tambe on six paper each. Now 12 papers are shown to me, it bears my signature, they at Exh. 807/1 to 807/12(witness is admitting his signature over the 12 papers hence to that extent only exhibit is given).

It is not true to say that on the same day police also obtained the specimen handwriting and signature of one Shivaji Bhaurao More on six paper each. Now 12 papers are shown to me, it bears my signature, they at Exh. 808/1 to 808/12(witness is admitting his signature over the 12 papers hence to that extent only exhibit is given).

I studied up to graduation. It is true to say that being a graduate I did not sign without reading the paper. It is not true to say that the police in my presence prepared the panchnama and obtained the specimen of signature and handwriting of above mentioned persons. It is not true to say that I depose false to save the accused.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Declined.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

Declined.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Declined.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Declined.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Declined.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Declined.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Declined.

C/406

R.C.C. No. 398/2002
Exh. No.804

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-1/12/2014.

TRUE COPY

सहाय्यक अभिलेखक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

12-3-16

Xerox by
&
Compared by

RCC No. 398/02
सत्र / पवनकोर्ट

गुप्तनुसा (जे-८७)-३-२००८-५,००,०००-मीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

दिवाणी अं २७ म. इं.
Civ. A 27 m. e.

नि. क्र.
Exhibit No. 202

तर्फे साक्षीदार क्रमांक 92 यांची जवानी

Deposition of Witness No. 92 for the सत्र नंबर 6/396

मी याद्वारे शपथपूर्वक निवेदन करतो की--
I do hereby on solemn affirmation state that--

माझे नाव
My name

वडिलांचे नाव आनंदा डांगरे
Father's name

धर्म
Religion

वय सुमारे 66 वर्षे
Age about 66 Years

व्यवसाय शेतकरी
Occupation

निवासस्थान आसोगांव
Residence

जिल्हा सातारा
District

सरतपासणी
Examination-in-chief

दिनांक 9/10/02 रोजी मी महाराष्ट्र स्टेट - बी - कॉम्बेटिव्ह बँक मा. शिरवळ येथे दिनांक 9/10/02 रोजी आरोपी . गुरव हाजरा असताना पोलीस विशेष कोर्ट सातारा यांनी मला बोलविले होते. त्याप्रमाणे महाराष्ट्र राज्य बी. कॉम्बेटिव्ह बँक गुरव यांची मला बोलविले होते. तर यांची मला आरोपी सोबत आणि बाकीच्या आरोपी सोबत पोलीस विशेष यांनी मारामारी करून आरोपी यांचे बद्दल सांगा

পত্র চালান ও বৈদেশিক পোস্টিংগুলি
যা রিভাল্ভার পিস্তলের উল্লেখ, পিস্তলের সঙ্গে
নাকেডের লাইসেন্স আছে কিনা সংশ্লিষ্ট
থানার ও নো অভিযোগী 203 বার আর
উপরে লাগান আছে কি না নথি নাকের কি

কারণ

অভিযোগী y নথি নাকা কি

ঐ বেআইনি কাজে কোনো কারণে
চালান দেওয়া ও নি সেখানে নাকের ছবি
সংযুক্ত করা

অভিযোগী ক.y নথি থাকে কি

কারণ

অভিযোগী নথি আর আর বাড়ে কি

ঐ বেআইনি থানাকে অভিযোগ দিয়ে
সাধারণ বাহিনীর কাজে বাধা দেওয়া
ঐ বেআইনি পোস্টিংগুলি অবৈধ পিস্তল
পাচার উল্লেখ ও নি লাইসেন্স ছাড়া উলি আর

অভিযোগী e নথি রিপোর্ট কি

প্রতিবাদের
অভিযোগী 90 নথি অভিযোগকর কি

প্রতিবাদের

RCC NO - 398/02
রিজিস্টার 202

আবেদন - ৫ নং মাল ওঁড়, [illegible] পাবলিক ওঁড়

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

R.C.C. No. 398/2002
Exh. No.802

Deposition of witness No. 18 for State.

I do hereby state on solemn affirmation that:

My name is : Vilas Ananda Kamble.

Age about : 66 years.

Occupation : Retired.

Residence at : Kasegaon, Tq. Walwa, Dist. Sangli.

C/395

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 1/10/2002 I was working in Maharashtra State Co-operative Bank, Mumbai. On 1/10/2002 one Shri. S.D.Bangar, Inspector of Local Crime Branch, Osmanabad, came into the bank. He called me in the Head Office of Maharashtra State Co-operative Bank. Police called me in the cabin of Bhosale saheb. That time in my presence police inspector has taken into the custody the documents from the Bhosale saheb. Accordingly police prepared the panchnama. Panchnama now shown to me, it bears my signature, contents are true, it is at **Exh. 803**.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Declined.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

I cannot state exactly which documents were seized of which date.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Declined.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Adopted

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

It is not true to say that I signed over the panchanam as per the direction of the police inspector or my superior. It is not true to say that police already prepared the panchnama and I just signed over it.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Adopted.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Adopted.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-1/12/2014.

TRUE COPY

सहायक अभिलेखक 12-3-26

मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
&
Compared by

मकामुना (जे-८७)-३-२००८-५,००,०००-पीएच
G. L. D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

८३५४

दिवाणी अ २७ म. ई.
Civ. A 27 m. c.

नि. क्र.
Exhibit No. ८०८

तर्फे साक्षीदार क्रमांक ९६ यांची जवानी
Deposition of Witness No. ९६ for the [illegible]

मी याद्वारे प्रतिज्ञापूर्वक [illegible] करतो, की
I do hereby on solemn affirmation state that

माझे नाव My name	[illegible]	वडिलांचे नाव Father's name	[illegible]
धर्म Religion			
वय सुमारे Age about	५० वर्ष Years	व्यवसाय Occupation	नोकरी
निवासस्थान Residence	[illegible]	जिल्हा District	[illegible]

सरतपासणी
Examination-in-chief

9/2/02 रोजी मी [illegible] ऑफिस मध्ये [illegible]
रिपोर्टर म्हणून नोकरीस होतो. मी महाराष्ट्र [illegible]
[illegible] मुंबई येथे होतो. 9/3/02
रोजी मी [illegible]
[illegible] 30 [illegible] मुंबई येथे [illegible]
[illegible] डिपार्टमेंट [illegible]
[illegible]
[illegible] आहे. ते [illegible] ८०८ वर [illegible]
आले आहे

অসমীয়া মই কোনো কোনো আৰু
এবে কোনো কোনো বিভাগৰ পদ
আমাৰ নাম দাবেদিলে পুৰণ প্ৰমাণ নাই
কিন্তু আৰু নাই বিভাগৰ 66 বৰ আৰু
পাছত বিভাগৰ 22 বাবে 22 বাবে
পদত হোৱা হাইকোৰ্ট আদেশ অনুসৰি
সকলো দেখাই কৰিব লাগে কৰা হৈছে।
অন্যান্য বিভাগৰ সকলো দেখাই কৰা হৈছে
এবে বাবে কিন্তু আমাৰ সাক্ষী মই কোনো
পাৰ্থক্য নাই দাবেদিলে 16 বৰ আৰু
প্ৰ/২০২ হাইকোৰ্ট আদেশ অনুসৰি
EWS কোটাৰ অন্যান্য বিভাগ কৰিব কৰা হৈছে
চাওক কিন্তু এবে লাগে দাবেদিলেও মই আবেদন
এবে লাগে মাত্ৰ দাবেদিলে 16 বৰ আৰু
না বিভাগৰ 03E বৰ আৰু লা কাজ লাগে ইংৰাজী মই
কোনো হাতী বেবি প্ৰমাণ পুৰণ প্ৰমাণ কৰিব
আৰু 10 বিভাগৰ 060 বৰ আৰু।

উলিয়ে নথাকে আবেদন 3 নম্বৰ নাগৰিক আৰু
প্ৰ/২০১ 16 প্ৰ/২০২ মই আমাৰ কথিত এবে নাই
বিভাগ এবে কোনোৰ কাৰণে হাইকোৰ্ট
এই আদেশ নাথাকিব

পৃষ্ঠা ১১

তে বেট আছে যে ৩০ বছর জন্য লীজ অগ্রাধিকার লীজ দেওয়া হবে ৭, ৪৬ ৫৫৫ = ৭৭ জন্য লীজ।
তে বেট আছে ৭/১/০২ তে ৭/১/৩২ পর্যন্ত যা কালাবাড়ি ব্যাপুর মৌজায় লীজ দেওয়া হবে কোন রোকানদার কেবল জন্য আবেদন করেছি।
৩০ বছর জন্য লীজ দেওয়া হবে যা জন্য ইতি তে মাত্র রোকানদার মত করেছি।
উপরে বর্ণিত আবেদন নং ৪ নম্বর নোট করুন

তে বেট আছে প্রিয়াঙ্কা চক্রবর্তী গিরিধারী মহাজনী রেজাল্ট কৌশল অফিসারের মতামত করেছি।

আবেদন নং ৫ নম্বর বাদ করুন

(ইন্ডিয়ান)

আবেদন নং ৬ নম্বর-

আবেদন নং ৬ যা নরেন্দ্র প্রিয়াঙ্কা চক্রবর্তী ~~১৪৫~~ ১৪৫ বর্গ মিটার উপরে বর্ণিত রোকানদার রজেশ্বর আর্থ ডিপো না ব্যাপুর ইতি মোতাবেক উপরে বর্ণিত করেছি।

আবেদন নং ৮ যা নরেন্দ্র প্রিয়াঙ্কা চক্রবর্তী ১৫৫ বর্গ মিটার উপরে বর্ণিত রজেশ্বর আর্থ ডিপো না ব্যাপুর ইতি মোতাবেক উপরে বর্ণিত করেছি

আবেদন ৫ নং ক্রমিক

৫ বেট আর এস ~~[illegible]~~ চালু করে ব্যবহার

করার নির্দেশ প্রদান।

৫ বেট বাড়ি নির্মাণের জন্য ফলোআপ ফরম

আকারে মার্ক করা, ৫ বেট আর এস

প্রোগ্রাম বাতিল করে আমফিলিত কেন্দ্রগুলি

অথবা বিলাস বন্ধ করার দাবি।

৫ বেট আর আমফিলিত কেন্দ্রগুলি প্রোগ্রাম

বাতিল করে অথবা বিলাস না করে

চালু করার দাবি।

নির্দেশ দান করা নির্দেশ প্রদান।

আবেদন ১০ নং নির্দেশ হবে।

স্বাক্ষরকারী

দেবাশিস মুখার্জি

তারিখ ১৮/১১/১৪

শ্রীনিবাস বিশ্বাস

মুখ্য আধিকারিক

বালাগড়।

C/352

R.C.C. No. 398/2002
Exh. No.786

Deposition of witness No. 17 for State.

I do hereby state on solemn affirmation that:

My name is : Sunil Digambar Patil.

Age about : 50 years.

Occupation : Service.

Residence at : Kalyan.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 01/02/2002 I was working as a Ledger Keeper in Head Office of Maharashtra State Co-operative Bank, Mumbai. On 1/2/2002 the amount of Rs. 30 crore of Osmanabad District Central Co-operative Bank was deposited in Home Trade. I received the voucher from the voucher department. The said voucher now shown to me, it is the same, it is at Exh. 787. Accordingly I taken the entry in the ledger. Now the verified copy of the ledger entry which is verified from the original shown to me , it is the same, it is at Exh.788. On the same day Home Trade has deposited Rs. 29,99,99,766=67/- in Nagpur District Central Co-operative Bank vide cheque. I myself made the entry regarding deposit of Rs. 30 Crore of Osmanabad District Central Co-operative Bank in Home Trade. Its voucher now shown to me, it is the same, it is at Exh. 789. On 5/2/2002 Home Trade had given the cheque of Rs. 65,409/- to deposit in Osmanabad District Central Co-operative Bank. I can identify the said cheuqe if shown to me. The cheque at Exh. 736 is the same. I myself had taken the entry in ledger book. The ledger entry which is shown to me, it is the same as per original ledger. It is at Exh. 790.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

During the period from 1/2/2002 to 5/2/2002 except 30 Crore no other transaction was take place to Home Trade. It is true to say that

before deposit of 30 crore the amount of Rs. 1,15,969=11 ps. was balanced in the name of Home Trade. It is true to say that during the period 1/2/2002 to 5/2/2002 no amount was deposited by Nagpur District Central Co-operative Bank in the name of Home Trade. I cannot state for what purpose Rs. 30 Crore was deposited in the account of Home Trade.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

It is true to say that over Exh.789 there is no signature of the officer of the ODCC Bank.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Adopted.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Adv. for the accused No.7 filed application Exh. 791 seeking time for cross-examination which was rejected. Hence no cross by adv. of accused No.7

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Adv. for the accused No. 8 filed application Exh. 785 seeking time for cross-examination which was rejected. Hence no cross by adv. of accused No.8

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

It is true to say that the transaction regarding giving of voucher and cheque used to take place during banking hours. It is not true to say that one Kalbhor was assigned the work for making the entry on the ledger. It is true to say that if any transaction was taken place by the employee of the bank after office hours to which bank shall not remain responsible. All the ledger entries are taken immediately after transaction.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Adopted.

C/353

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-17/11/2014.

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12-3-20
सहायक अभिलेखक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

RCC No. 398/02
बलात्कार पकड़ कार्यी.

4349

कागुना (जो-८९/-३-२००८-५,००,०००-पीएच
. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

दिवाणी अ २७ म. इं.
Civ. A 27 m. e.

नि. क्र.
Exhibit No. LCO

तर्फे साक्षीदार क्रमांक १६ यांची जवानी
Deposition of Witness No. १६ for the बलात्कार नंबर

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की
I do hereby ~~on solemn~~ affirmation state that--

झे नाव
y name चंदूराम

वडिलांचे नाव
Father's name पंडितनाथ आचार्य

eligion

सुमारे
ge about ६२ वर्ष
Years

व्यवसाय
Occupation सेवानिवृत्त

वासस्थान
esidence बारमेर
ता. बालापुर

जिल्हा
District बीड

सरतपासणी
Examination-in-chief

2002 साली मी मुंबईला बदली झाली मी ज्युनियर ऑफीसर म्हणून नेमणूक होती त्यानंतर मेजर विपरने बोलावल्यावरून त्यांच्याकडे IIM ला मी उत्तर दिले, त्यावेळी आरोपी बालापुर अमरनाथ, अलमदनगर वडाळी कॅम्पला आम्ही होतो. 30/9/02 रोजी बालापुर पिकेट मध्यरात्री 30 वाजे दरम्यान अलमदनगर पिकेट मध्यरात्री गस्त झाली. त्यामध्ये आरोपी व मेजर यांची भेटी झाली. त्यानंतर

[illegible] कार्यालय [illegible] दाखिले ने नंबर
आरे ने तिरायली 629 वर आरे 9/3/62
रोजी [illegible] वाहुनि आणि [illegible] EE नागपूर
[illegible] नागपूर [illegible] कैफियत नोंद [illegible]
[illegible] केले. [illegible] नागपूर
[illegible] कैफियत [illegible] आणि
[illegible] नोंद घेतली आणि
[illegible] नागपूर कैफियत [illegible] कैफियत
30 [illegible] [illegible] आणि [illegible] इंडस्ट्रीज
दाखल केले आणि [illegible] आरे ने तिरायली
622 वर आरे [illegible] वाहुनि आणि
[illegible] EE [illegible] नागपूर [illegible]
कैफियत [illegible] आणि [illegible] इंडस्ट्रीज
[illegible] दाखल केली [illegible] आरे
[illegible] आदेश नं. 3 [illegible]
[illegible] नागपूर
[illegible] कैफियत.

[illegible] 4 [illegible]

[illegible] आरे [illegible] नोंद घेतली
नोंदी घेतल्या आलेले नाही

RCC NO. 398/02
SI/ Pawan
P.S. LCB

आरोपी नं. 1 नंबर गवाह और

एकसारखा

आरोपी नं. 6 नंबर एक एक पार्टिस और

ये सभी आरोपी भी आज की तारीख में
मेरे रेकॉर्ड बोलकर मानती हैं कि
नागपुर जिला कलेक्टर और राज्य अलग-अलग
कलाकार कंपनी ने हमें कुछ गांव मांगने
नहीं आना चाहिए। आरोपी ने ~~act~~ कर
कोई फाइल मांगी थी कि आरोपी ने
फर्जी ~~प्रमाणित~~ पेपर लगाए थे। ये सभी आरोपी
मूल अधिनियम धारा आरोपित और मशीन इंडस्ट्री
कंपनी अलग-अलग गांव आना चाहिए
विश्वास करके कर मांगी थी कि मैं
स्वयं मानसिक रूप से निर्दोष था कि मैं
निर्दोष रहूंगा 8 वर्ष साल आरोप।
मूल रेकॉर्ड भी स्वयं उपस्थित था कि लेकर
बेचिया कुछ कम मालूम होने से मैंने
पूरा मालूम था कि नागपुर जिला मजदूरी
कंपनी और राज्य अलग-अलग कलाकार
कंपनी कोई काम आने से मैंने मांगा था
भी कोई भी कंपनी में कर रकम फर्जी
गोकुलदास कोई मांगने काम आने
निर्देश फर्जी अपराध था।

ते ~~क्ष~~ रोजे आहे की वर्ष ओपरार: या
गोहापाटू राज्य गेल्याची कडे मुंबई मंत्रालय
झाला आहे मी ओडिशा नागपूर कडेही
या काम करायची इच्छा आहे नागपूर
ह जिल्हा सरकारी कडून पहिले काम
झाले काम पूर्ण मला माहिती नाही,
तेव्हा हेच बाहेर मांडी नागपूर कडे दिलेला
नोट मी पाहिला आहे अर्थिक अकरा लोग
हे दर्शन उलटे आहे: पोलिसांनी माझा
फक्त नोंदविला लोगांना मला माहिती दिली
गेलाना मोठ आहे ते टेंडर आहे झालेला
व्यवहारचे माझा कडेही कधीच पोलिसांना
गेलाना कोणी साक्ष देत आहे
आरोपीने ए नंबर दिले आहे

ते टेंडर आहे की बेंगळूरु अमृतसर ठेकेदार
नोंदी मजूर वर घोटाळा झाला: ते टेंडर
आहे की अमृतसर हुंडाईसर कडे देणगी
लोगांना कडून देत की 90-94% 5-95
असे लोगांचे ते टेंडर आहे नागपूर की
जिल्हाधिकारी जिल्हा सरकारी कडेच मान्यता
व्यवहार झाले आहे.

RCC No 398/01

বিষয়: [illegible]

আরোপিত ৭০ নম্বর [illegible]

এবিডেন্স

আরোপিত ২ নম্বর [illegible]

আরোপিত ৬ নং এবিডেন্স

নং 33 এর [illegible] [illegible]

[illegible]

[illegible]

[illegible]

শ্রী [illegible]

[illegible]

[illegible]

Deposition of witness No. 16 for State.

I do hereby state on solemn affirmation that:

My name is : Chandrakant Pandharinath Bhalerao.

Age about : 62 years.

Occupation : Retired.

Residence at : Washind, Tq. Shahapur, Dist. Thane.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

In the year 2002 I was working as a Junior Officer in Maharashtra State Co-operative Bank, Mumbai. I was looking after the work of verifying the entries taken by ledger keeper which was taken on the basis of voucher. I was looking after the work of Nagpur, Amravati and Ahmadnager District Central Co-operative Bank. On 31/1/2002 the amount of Rs. 30 crore of Nagpur Central District Co-operative bank was deposited in Osmanabad District Central Co-operative Bank. I had verified the ledger and voucher entries in the account. Now said voucher is shown to me, it is at Exh.781. On 1/2/2002 Home Trade, Washi has issued the cheque of Rs. 29,99,99,766/- in the name of Nagpur Central District Co-operative Bank. Accordingly amount was deposited in the Nagpur District Central Co-operative Bank. Accordingly entry was taken in the ledger. Nagpur District Central Co-operative Bank has deposited 30 crore in Osmanabad District Central Co-operative Bank and accordingly debit entry was made by Nagpur District Central Co-operative Bank. That said voucher is produced on record, it is at Exh. 782. On 1/2/2002 Home Trade Washi deposited 29,99,99,766/- in Nagpur District Central Co-operative Bank and verified the ledger entry for the same, its verified copy is filed on the record, it is now shown to me, it is the same, it is at Article 'A'.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Kalbhor was the Ledger Keeper and therefore he has deposited amount in the Nagpur District Central Co-operative Bank.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

It is true to say that I myself not taken the entries personally in the ledger book.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Adopted.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

It is true to say that I have not signed on the voucher in respect of which I deposed today. No cheque was received by me in respect of deposit of Rs. 30 Crore from Nagpur District Central Co-operative Bank to Osmanabad District Central Co-operative Bank. I myself not signed Article 'A' as a verified. Original papers of Article 'A' was not produced on record. I cannot state the entries in Article 'A' are true and correct without perusing the original record. Exh. 781 and Exh.782 does not bear my signature. I myself not written the contents of said document. Since last four years I am retired. I myself not produced the original record. I have not produced any documentary evidence showing that the work of verifying ledger was given to me. I cannot state how the amount of Rs. 30 crore from Nagpur District Central Co-operative Bank is deposited in Osmanabad District Central Co-operative Bank. Now I say that the said amount is deposited in Osmanabad District Central Co-operative Bank by means of FAX by secrete code. The said FAX is not produced on the record. All the transaction was taken place in Maharashtra State Co-operative Bank Mumbai. I myself not made the inquiry to the Nagpur District Central Co-operative Bank. I cannot state what happened thereafter after deposit of 30 crore in ODCC Bank. I myself not seen the cheque given by Home Trade, Washi to Nagpur

District Central Co-operative Bank. On Article 'A' there is no reference of Home Trade. Police has recorded my statement. I cannot state its date. It is not true to say that though I have no concerned to the transaction only as per the say of police depose falsely.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Adopted the cross-examination of Adv. of accused No.7.

I worked in Bank for 33 years. The banking transaction was taken place as per Board of Directors.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

It is true to say that the entries are being taken in ledger in respect of the account transaction. It is true to say that account transactions are used to take place during banking hours. The bank hours was 10:15 a.m. to 5:15 p.m. It is true to say that the transaction in between Nagpur District Central Co-operative Bank, Osmanabad District Central Co-operative Bank and Home Trade as per their consent.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Adopted.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-17/11/2014.

Xerox by
&
Compared by

TRUE COPY
12.3.16
सहायक अभिलेखक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

R.C.C. No. 398/02
St. V/s Pawan & oths

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मकामुना (जे-८७)-३-२००८-५,००,०००-पीए४
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

दिवाणी अ २७ म. इ.
Civ. A 27 m. e.

नि. क्र.
Exhibit No. १०५८ ६०५५

तर्फे साक्षीदार क्रमांक ९५ यांची जवानी

Deposition of Witness No. ९५ for the सरकार पक्ष

मी याद्वारे प्रतिज्ञेवर निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नाव
My name सुरेश

वडिलांचे नाव
Father's name माणिकराव बिराजदार

धर्म
Religion

वय सुमारे
Age about ४८

वर्ष
Years

व्यवसाय
Occupation शेती

निवासस्थान
Residence कोळसूर ता. उमरगा

जिल्हा
District उस्मानाबाद

सरतपासणी
Examination-in-chief

मी १९९९ पासून जिल्हा मध्यवर्ती [illegible] [illegible] म्हणून [illegible] [illegible] [illegible] [illegible] [illegible] १३ [illegible] होते [illegible] [illegible] [illegible] [illegible] [illegible] की मिटींग [illegible] चर्चा झाली. ११/३/०२ च्या मिटींगचा [illegible] [illegible] [illegible] [illegible] मी मिटींगला हजर होतो

११/३/०२ च्या मिटींग मध्ये विषय क्र. १ ची [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] ठराव [illegible] [illegible] [illegible] [illegible] [illegible] विषय क्र. २ पासून पुढे [illegible]

দিন পরমুহূর্ত হতে হতে 20 দিন লাগে। আগের কার্যালয় দিনাজপুর নথি আনি ও মিটিং উপস্থিত পোস্টিংর মাধ্যমে প্রস্তাব গ্রহণ করিলাম।

আগের বনিয়াদ পাকুড় জেলাতে কর্ম অবস্থান ও লেডি অফিস লোন ফ্রেড মধ্যে যদি গুণছিল ও আর ফ্রাড হালে আছে

আরোপি নং. 4 নথি নাম্বার

মি. দেবাশীষ কুমার ব্যানার্জি কর্মসূচি উপাধ্যক্ষ বহুল বাসরত আছে। মি অর্পণ কর্মকার অবস্থান আছে উপরোক্ত কর্মকার মিটিং কাজ সব কর্মচারী সাক্ষিত আছে ও বলে আছে যে, মিটিংয়ের সময়ে অনেক কারণ হাজরা রেজিস্টার এ কথা উল্লেখ আছে ও বলে আছে মিটিং পূর্ব অনেক প্রশ্ন লাগে সময় কাজ নিয়ে 29/3/02 ও 30/02 এর মিটিং অনেক সব দায়েরিক না নেন আছে আর সব দায়েরিক না নেন আছে ও তিয়াগী না তিয়াগী 60% ও 100% বলে আছে। মি রাজেশ সময় 30/02 এর মিটিং অনেক মিথ্যা উক্তি নথি ও সময় আছেন বাসিন্দা ও বলে আছে মিটিং মধ্যে অনেক প্রমাণ নথি লেন ও বলে নথি 29/3/02 এর মিটিং মধ্যে সাক্ষিত কর্মচারী উপস্থিত ও বাকুড় জেলায় অবস্থান আছে।

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[illegible] মিটিং সভা এবং তিনি তিনটির
ডাক টেলেগ্রাম করেন আমার নামে আসেন
বিভাগীয় সরকারী আইন ও বেতন কার্যালয়
কর্মীদের মিটিং সভা ও তিনটি সম্পর্কিত বেতন।
এ লাগি আমার প্রতিনিধি সালাম উদ্দিন কাজী ও আমার
ভাগ্নে কাজী ও বেতন কার্যালয় ৭৭/3/02 তারিখ মিটিং
সভায় যুক্ত হিসাবে সভায় উপস্থিত আছি। সভা
শেষে সভার প্রসিডিং দুই ও তিনের
এ প্রকার আর প্রসিডিং দুই বাটে অনুযায়ী
সংযুক্ত করে সভা শেষ হয়।
৭৭/3/02 তারিখ বৈঠকের জন্য বিনীত আবেদন করি
ও বেতন আর সহায়ক তহবিল গণনা ৫৫ অঙ্কের
সাথে নাইট সালামি ও বেতন কার্যালয়
বেতন নাইট সভায় সভার দায়ি ও হিসাব আছে
হিসাব সভা সংযুক্ত করে প্রসিডিং প্রকার
এ প্রকার অনেক কাজ নগদে উত্তোলন আর
পাওনাদার সভা লাকাজ নিয়ে পুরাতন হিসাব
করি। ও বেতন কার্যালয় ৭৭/3/02 তারিখ পর্যন্ত
হিসাব নিয়ে বর্তমান সালামি করা

আপনার বিশ্বস্ত আবেদনকারী
ও বেতন আর খাঁ
উপায় নাই ও লাভী হিসাব সহায়ক আবেদন রাখি

ते वेळे मोठे डी नी खोटा व ३ मे उपायुक्त
यांनी त्यांचे डायरी डिस्ट्रिक्ट ने २४/२
रु दाखल केले त्यांचे करणी डिस्ट्रिक्ट O.D.C.
व कामेटी सिटी डिस्ट्रिक्ट ऑथरिटीज यांचे
डिक्रीस दाखल केले त्यांचे करणे सदर ८/२०२
१९/३/०२ या सिटींग कामे त्यांनी हे मला
आणा आरोपी यांचे करणी प्रोसिडिंग २०१८ मा.
कायदा घोषणेने आरोपी यांचे दुसरा पाहिजे
यांचे यांनी दुसरा नजरेने २४३/०२ कामे मला
आरोपी यांचे करणे नजरे १०/१२/ ला डिक्रीज
झालेले यांचे यांचे करणे प्रोसिडिंग हे १९/३/०२
व ८/२/०२ या सिटींग मध्ये नजरे अहवालानुसे
कायदा घोषणे हे मला लोकांना यांनी यांची
आरोपी नं. ६ यांचे ने लग्न पाहिजे आहे

हे सदर आरोपी डोमेस्टिक सिटींग मध्ये
माझेच उपस्थित वापरून जामीन घेऊन व निकाल
अहवाल. निकाल पत्रिकेत १९/३/०२ या सिटींगचे
उपस्थित मी वाचलेले यांचे उपस्थितीत आणखी
नमूदपत्र व एमेंडमेंट कलम अहवालाचे वर्णन
पत्रात आलेले मी वाचून ऐकून ३० डायरी वर
आरोपी यांचे [illegible] आणि काम यांची घेतली
यांचे मुलगी मला अपत्य विवाह करणे आणि
आदेश

CB44

RCC No. 398/02
সেশন/৪৭৩ কোর্ট
ক্র. ৬৪৪

এ রেট আর এর উপাধ্যক্ষ মহাশয়ের নালিশ
এ যোগ সম্পর্কে মাননীয় ট্রাম ট্রাই নম্বর ২ গুরুত্বপূর্ণ
ইনি মাননীয় বাইরের কলোন আনি হয়েছি।
এ রেট নামক ৭৭৩/০২ নং সিডিএ মামলা
বিচারক ২ পাকুন কুরেশ আলি এ সব সুপরিচিত
এ রেট নামক কর্মচারী পরাক্রম সহ ট্রাম ট্রাই নম্বর
কাজ সাধিত নিজেদের এ সব রেকর্ড তোলেন

অভিযোগ ২ নম্বর চার্জ আর

এ রেট নামক ব্যক্তি দারোগা বিশ্বাসের আদালত
বেআইনি ভাবে লাইসেন্স সংক্রান্ত নথি নম্বর না
করে বিক্রির কাজের জন্য নগদ দারোগা কুলি হয়েছি।
এ রেট নামক ব্যক্তি অভিযুক্ত প্রমাণ করার বিষয় বাদীর
সাক্ষ্য ও ডাক বিভাগ সাক্ষ্যের জবানবন্দি নাকচ হয়েছে
নামক। এ রেট আর এর বিষয় ও সাক্ষ্য জবানবন্দি
এ ঘোষণা দেওয়ার জন্য কর্মচারী পরাক্রমের জেরাতে
এর পাওয়া যায়নি। এজন্য নগদ দারোগা কুলি নামক।

অভিযোগ ৫ নম্বর চার্জ আর

পরাক্রম ট্রাম ট্রাই নম্বর গুরুত্বপূর্ণ কাজ সাধিত
করেছে বটে এর আগে সাধিত দেওয়ালে আর
সিডিএ প্রসিডিউর ঠিক করে নেওয়া যায়।
এ রেট নামক ব্যক্তি স্বেচ্ছায় ইচ্ছাকৃত প্রমাণে ত্রুটি
করে নম্বর কোনো লাভ দিয়ে আছে।

உரிமை மாற்று ஆவணம் எண். 3 மற்றும் பாகங்கள்

விவரங்கள்

உரிமை மாற்று ஆவணம் எண். 30 மற்றும் பகுதிகள்

முதல் தரப்பு அளிப்பவர் விவரங்கள்

உரிமை மாற்று பெயர்:

கூ. நிர்வாக அதிகாரி

தேதி 23/6/98

முதன்மை நகர்ப்புற நிலவரி

உதகமண்டலம்

4/340

R.C.C. No. 398/2002
Exh. No.755

Deposition of witness No. 15 for State.

I do hereby state on solemn affirmation that:

My name is : Suresh Manikrao Birajdar.
Age about : 49 years.
Occupation : Agricultural.
Residence at : Balsud, Tq. Omerga, Dist. Osmanabad.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

I was one of the Director of Osmanabad District Central Co-operative Bank since 1999. There were in all 13 Directors including the Chairman over the said Bank. The work of the director was to frame the policy of the bank and also to fix the subject for meeting and discuss the same in the meeting. I received the agenda of meeting dt. 11/3/2002 and accordingly I remain present in the said meeting. In the meeting dt. 11/3/2002 the subject No.1 was to read the minute of last meeting and to sanction it. However as the report of the NABARD regarding inspection of the bank is not received and therefore it was not discussed and therefore discussion was started form subject No.2 . There were in all 20 subject for discussion in the said meeting. Thereafter the discussion was taken place on other subject and meeting was closed. Police recorded my statement. From the media I came to know that the Chairman and M.D. of the bank has invested the amount in the Home Trade and committed the fraud.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

At present also I am one of the Director of the bank. I am also the Chairman of Urban Bank. I know substantial regarding the meeting of the Co-operative bank. It is true to say that there is presenty register and the person who present in the meeting used to sign over it. It is

true to say that we used to receive the agenda before the meeting. The agenda of both meeting dt. 11/3/2002 and 9/4/2002 is issued by the bank they are at Exh. 758 and 759. I do not recollect whether I received the agenda of the meeting dt. 9/4/2002. It is true to say that in the meeting the discussion was taken place as per the agenda. It is not true to say that in the meeting dt. 11/3/2002 the minute of the last meeting was read and sanctioned. It is true to say that I have authority to take the objection against the resolution passed against the interest of the bank. It is not true to say that it is our duty to see whether the resolution which is passed in the meeting after discussion are implemented or not. It is not true to say that discussion was taken place on 33 subject in meeting dt. 11/3/2002. I say that the proceeding book itself is bogus and fabricated one. I cannot state about the correctness about the contents in the proceeding book as it is fabricated one. I do not recollect whether I was received the allowance of the meeting dt. 11/3/2002. It is true to say that the inquiry was taken place against me u/s. 88 of Maharashtra Co-operative Society Act. It is not true to say that in the said inquiry I was held guilty. I have made the complaint about the bogus and fabricate proceeding book. I have not submitted any written document in that respect to the police. It is not true to say that I depose false that no discussion of subject No.1 was taken place in meeting dt. 11.3.2002.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

It is true to say that one Subhash More was also the Director of the bank at that time. It is true to say that I myself and other Directors had filed the dispute No. 242/2002 before the Co-operative Court against D.C.C.Bank and Y.P. Giri, Dist. Dy. Registrar, Osmanabad. I do not recollect whether the said dispute was pertaining to the meeting dt. 8/2/2002 and 11/3/2002. I do not recollect whether the said dispute

was withdrawn on 21/9/2007. I do not recollect whether the Subhsh More also filed the dispute No. 243/2002. I do not recollect whether the said proceeding was dismissed on 27th December. I cannot state whether the said proceeding was withdrawn as there was no complaint in respect of the meeting dt. 8/2/2002 and 11/3/2002.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

It is true to say that in every meeting there is subject No.1 regarding reading and confirmation of the minute of the last meeting. I have not read the minute of the meeting dt. 11/3/2002. At present also Chairman and Managing Director used to sign over the minute. I have taken the information after reading the news in a news paper about the deposit of Rs. 30 crores by Nagpur District Bank in O.D.C.C. Bank. I was acquitted in inquiry u/s. 88 of the Act. It is true to say that in the said inquiry there was charges of irregularities regarding without sanction of the board of the director, chairman invested the amount in the Home Trade as a security. It is not true to say that I depose false that in the meeting dt. 11/3/2002 the discussion was started from subject No.2. It is not true to say that I depose false that I came to know from the news report about the investment in the home trade.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

It is not true to say that after registration of the crime in the present case just to absolve from the liability we filed the dispute before the Co-operative Court Nanded against the said meeting. It is not true to say that all the subject on agenda are taken for discussion in the meeting. The subject which is dropped no resolution is passed. It is true to say that the subject which are discussed in the meeting in that respect resolutions are passed. I have not filed any complaint after coming to know about the information in news paper.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

Today I have taken the information about the investment in the Home Trade though I have no personal knowledge at that time. The proceeding of the meeting kept in the bank. It is not true to say that I depose false today to absolve from the liability.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Adopted.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Absent - No cross.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-23/9/2014.

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सहाय्यक अभिलेखक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

12-3-26

रकमुना (जे-८७)-३-२००८-५,००,०००-पीएच
G. L., D. D., No. PST-4451-64961-E,
dt. 10-2-53.]

RCC No. 398/02
लटपट / पवन. ग्रा.
दिवाणी अ २७ म. इं.
Civ. A 27 m. e.

नि. क्र.
Exhibit No. 690 4338

तर्फे साक्षीदार क्रमांक 98 यांची जवानी

Deposition of Witness No. 98 for the लटपट गर्फे

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible]

वडिलांचे नाव
Father's name [illegible]

धर्म
Religion

वय सुमारे
Age about 66

वर्ष
Years

व्यवसाय
Occupation लेखनिक

निवासस्थान
Residence उस्मानाबाद

जिल्हा
District उस्मानाबाद

सरतपासणी
Examination-in-chief

मी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेत नोकरीला होतो. मी 1966 ते 2003 मध्ये बुलाखीन नोकरीला होतो. तेव्हा 2002 मध्ये लटपट बँकेत मुख्याधिकारी म्हणून नेमणूकीला होतो. विभाग हाच विभाग व मालमत्ता होता. एल.एल.आर. ते माझे वरिष्ठ होते. माझी त्यांच्या अधीन काम करणारी व्यक्ती म्हणून लटपटचा कर्मचारी लटपटचा मोठा कारखाना तेरणा मंडळाच्या बैठकीत येणे ते माझे काम होते. प्रत्येक महिन्याला मंडळाची मिटींग होत असत. लटपट मिटींगला बँकेचे अधिकारी

व उंचावलेल्या मंडप उभारण्यात आले.
५/१/०२ रोजी उंचावलेल्या मंडपाची बैठक झाली
त्यात खर्च वगळून मिटींगला हजर होतो.
खर्च मिटींग मध्ये जी प्रत्यक्षात उंचावलेल्या-
मंडपाच्या कोणी मालीनी असतील ते दिलाचे ठरले
त्यात हेतू लोकांची आगाऊ डिपॉझिट व इतर
डिपॉझिट घ्यायची झाली. ८/१/०२ रोजी उंचावलेल्या-
मंडपाची बैठक झाली व खर्च मिटींगला त्यात
खर्च हजर होतो. खर्च मिटींग मध्ये वाढदिवस-
पावती बाकीचा डिपॉझिट चर्चेत आला. गेला व
खर्च डिपॉझिट व चर्चा झालेवर मिटींग संपविण्यात
आली. पोलीसांची मारहाण नोंदविली.
मला जे काही सांगायचे आहे
नागपूर डिव्हीजनची बैठक उं. कोणी आयोजित
केली असेल त्यांनी सांगावे वेळेची हेळसांड
करू नये.

खर्च पावती. आरोपींनी ५ पर्यंत तारीख आहे

हे खरे आहे बैठकीच्या अजेंडा योजना-
प्रमाणे मिटींगची इतिवृत्त काढलेले आहेत.
अजेंडा व इतिवृत्त प्रोजाक्ट दिले जाते व त्यात
मार्गिन वाढीव अजेंडावर तेच घेतले डिपॉ-
झिट नमूद आहेत हे खरे आहे. उलट खर्च
मालमत्तेवर चर्चेची झाली होती. मारहाण योग्य
इतर उंचावलेल्या ही होते.

C/339. REC No. 398/02
ST/ पवन कोर्ट
दिनांक 6.9.0

हे खटले नावे कैदेच्या ठरावाप्रमाणे 30 वर्षांच्या सक्त मजुरीच्या ठरावाप्रमाणे खटले चालू होते. हे खटले आरोपींच्या विरुद्ध सबूत नाही किंवा आरोपींनी खून केल्याचे सिद्ध नसल्याने सी विथ आरोपी

आरोपीचे 4 नंबर वापरे

खटला

आरोपीचे 5 नंबर एम एम पाटील

खटला

आरोपीचे 6 नंबर शरद मोरे

उलट तपास सुरु

हे खटले आरोपी 30 वर्षे सक्तमजुरीचे खटले असे पोलिसांनी मला सांगितले

आरोपीचे 8 नंबर व्ही. व्ही. शिंदे मोरे

उलट तपास सुरु

हे खटले आरोपी कैदेच्या ठरावाप्रमाणे विरुद्ध असलेले आरोप लावून प्रोसीडिंग सुरु करण्यात येत आहे. हे खटले नावे आरोपी माझ्याकडे कामकाज सुरु नव्हते खून खटले सोडून इतर आहे.

आरोपीचे 10 नंबर नवकांबळे मोरे

खटला

आरोपीचे 3 नंबर नानके मोरे.

खटला

उट तपास सुरु

[illegible]

[illegible]

C/336

R.C.C. No. 398/2002
Exh. No.750

Deposition of witness No. 14 for State.

I do hereby state on solemn affirmation that:

My name is : Bhuddiwant Yashwant Ammashetti.
Age about : 69 years.
Occupation : Retired.
Residence at : Osmanabad.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

I was working in Osmanabad District Central Co-operative Bank. I was working there from 1972 to 2003. In the year 2002 I was the Chief Officer of the Bank. The Non-Agricultural Department was with me. One S.V.More was my superior. We used to verify all the applications filed for loan and to show the same to the General and Dy. General Manager and thereafter to put the same in the meeting of the Board of Director. The meeting of the board of director used to take place in every month. In the said meeting all the directors and staff members used to remain present. The meeting of the board of director was taken place on 5/1/2002. I was present in the said meeting. In the said meeting I had given the information about the application for loan to the directors present in the said meeting. In the said meeting discussion was taken place about the subject concerning to us and also not concerning to us. On 8/2/2002 also the meeting of the board of director was taken place. I was present in the said meeting. In the said meeting the discussion was taken place regarding subject about the inspection taken by the NABARD. After discussion of the said subject the meeting was over. Police recorded my statement. I don't want to say anything more. I came to know about the deposit of 30 crores by Nagpur D.C.C Bank in O.D.C.C. by which O.D.C.C. bank purchased the securities.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

It is not true to say that along with the agenda of the meeting the minutes of the last meeting is used to enclose. I cannot state to whom agenda and meeting is given. In the agenda it is also mentioned about emergency subject. It is true to say that the inquiry was taken place under section 88 of Co-operative Societies Act. There were other Directors with me in the said inquiry. It is not true to say that on the basis of the resolution of the directors only the securities were purchased. It is true to say that in the meeting dt. 8/2/2002 after discussion of subject regarding inspection by the NABARD as I had no concerned with other subject I left away.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Adopted.

Cross.exam. by Adv. Shri.M.S. Patil for accused No.7

Adopted.

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

It is true to say that I came to know about the purchase of the securities of 30 crores from the police.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

It is true to say that in the proceeding book it is mentioned about the discussion on the subject taken place in the meeting. It is not true to say that I am depose false to absolve from the guilt.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

Adopted.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Adopted.

R.C.C. No. 398/2002
Exh. No.750

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :-15/9/2014.

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सहायक निबंधक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

मे. अति. मुख्य न्यायदंडाधिकारी साहेब, धाराशिव यांचे न्यायालयात

आर. सी.सी. 398/2002

शासन वि. पवनराजे वगैरे

<u>सदर प्रकरणी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि धाराशिव या बँकेचे प्रतिनिधी म्हणून विनंती की.</u>

1) हे की, सदरचे प्रकरण आजरोजी पुराव्यासाठी नेमण्यात आले आहे.

2) हे की, सदर प्रकरणात यापुर्वी उस्मानाबाद जि.म.स. बँकेने कलम 451 CrPC अन्वये अपराध गुन्ह्यात जप्त केलेली मालमत्ता मिळणेबाबत अंतरीम अर्ज मा. न्यायालयात दाखल केला होता, तो मा. न्यायालयाने मंजूर केला आहे. तदनंतर सदरचा अंतरीम आदेश मा उच्च न्यायालय, मुंबई खंडपीठ, औरंगाबाद व मा. सर्वोच्च न्यायालय, नवी दिल्ली येथे देखील कायम राहीला आहे व मा. मुखा न्यायदंडाधिकारी, धाराशिव पानी सदर RCC 398/2002 शक्यतो 6 महिन्यामध्ये निर्णयीत करावी तसेच सदर फौजदारी केसमध्ये निर्णय होईपर्यंत रक्कम रु 30 कोटी गोठवलेली रहावी असा ही आदेश केला आहे.

3) हे की सदर प्रकरणी फिर्यादी पक्षाकडून सरकारी वकील कामकाज पाहत असले तरी बँकच्या विनंती वरून शासनाचे आदेशाप्रमाणे विशेष सरकारी वकील म्हणून ॲड. जयसिंग वसंतराव पाटील व तदनंतर ॲड. श्री. वी एन करंजकर याची नियुक्ती झालेली आहे करण्यात आली. परंतु आजरोजी ॲड. बी. एन. करंजकर हे कामकाज पाहत नसुन शासनाचे नियमीत सरकारी वकील ॲड. शेवाळकर हे कामकाज पहात आहेत.

4) हे की, बी एन करंजकर यांनी वैयक्तीक कारणामुळे सदर प्रकरणात कामकाज पाहणेबाबत असमर्थता दर्शवालेली असल्यामुळे बँकच्या हिताच्या दृष्टीकोनातुन गुन्हात जप्त केलेली व गोठवून ठेवण्यात आलेल्या रक्कमेचा ताबा बँकेचे वतीने रक्कम रु. 30 कोटी बाबत अंतीम कस्टडी मिळणेकामी अर्ज सादर करणेकरीता आवश्यक तपशिल व रेकॉर्ड मिळून असा अंतीम कस्टडीसाठीचा अर्ज बँकेतर्फे प्रकरणी दाखल करण्यास मुदतीची गरज आहे न्यायाच्या दृष्टीने व प्रकरणाचे परिस्थितीमध्ये सदर बाबत मुदत मंजुर करणे योग्य आहे.

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V.S. Shewalkar
APP
Dt- 23/9/2021

तरी विनंती की,

कृपया अर्ज मंजुर करावा व सदर प्रकरणी उस्मानाबाद जिल्हा मध्यवर्ती बँकेतर्फे प्रकरणातील गोठवलेली रक्कम रु. 30 कोरी बाबत अंतीम कस्टडी मिळणेसाठी अर्ज दाखल करणेकामी बँकेस मुदत मिळावी, ही विनंती

दि ~~15~~/09/2025
23/09/2025

उस्मानाबाद जिल्हा मध्यवर्ती सहकार बँकेतर्फे

श्री. सुधिर एम मेहेत्रे
(मु. का. अधिकारी)
०द्वारा-अँड एस.पी. दानवे

अँड. एस.पी. दानवे,
धाराशिव

Say of App

Hon'ble & Respected;

In above matter prosecution submit say That; Hon'ble court may pass appropriate order.

Dt- 23/9/2025

Through
Vasheedkar
App

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29.12.25

सहायक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उल्हासनगर

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उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि.,
मुख्यालय उस्मानाबाद

Administrator:
General Man
Adm: 2

C/311
दिनांक:- 30.1.2002

क्र. प्रशासन/सं. म. सभा/ /01.02

प्रति

स. न. वि. वि.

विषय:- बँकेच्या संचालक मंडळाची सभा.

बँकेच्या मा. संचालक मंडळाची सभा दिनांक 8/2/2002 रोज शुक्रवार या दिवशी दुपारी ठिक 1.00 वाजता बँकेच्या उस्मानाबाद येथिल सभागृहात मा. चेअरमन श्री. पवन राजेनिंबाळकर यांचे अध्यक्षतेखाली खालील विषयावर चर्चा करणेसाठी बोलावण्यांत आलेली आहे. तरी सदर सभेस वेळेवर उपस्थित राहवे ही विनंती.

- : सभे पुढील विषय : -

विषय क्र. 1:- नाबार्ड बँकेने सन 1999-2000 व 2000-2001 या कालावधीची घेतलेल्या तपासणी मधील निघालेल्या गुण/दोषा बाबत चर्चा करणे.

आपला विश्वासू

सरव्यवस्थापक

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
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उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि.,
मु.का. उस्मानाबाद

जा.क्र. प्रशासन/ 13356 /01.02 दि:- 4/3/2002

प्रति,
श्री----------

स.न.वि.वि.

विषय:-संचालक मंडळाची सभा

बँकेच्या मा.संचालक मंडळाची सभा दिनांक 11.3.02 रोज [illegible] दुपारी 1.00 वाजता बँकेच्या उस्मानाबाद येथिल सभागृहात [illegible] राजेनिंबाळकर यांचे अध्यक्षतेखाली खालील विषयावर चर्चा करणे-[illegible] आलेली आहे. तरी सर्व सदस्यांनी सदर सभेस वेळेवर उपस्थित राहवे ही विनंती.

-: सभे पुढील विषय :-

विषय क्र.1:- दिनांक 5.1.2002 व दि 8.2.2002 रोजी झालेल्या मा.संचालक मंडळ सभाचे इतिवृत वाचून कायम करणे.

विषय क्र.2:- माहे ऑक्टोबर/नोव्हेंबर/डिसेंबर-2001 व जानेवारी 2002 अखेरच्या ताळेबंद पत्रकास व सदर महिन्यात झालेल्या खर्च पत्रकास मान्यता देणे.

विषय क्र.3:- माहे डिसेंबर 2001 व जानेवारी 2002 या महिन्यातील तरती जिंदगी व सांपत्तिक स्थितीची नोंद घेणे.

विषय क्र.4:- ठेवीच्या तारणावर दिलेल्या कर्जास मान्यता देणे.

विषय क्र.5:- मयत खातेदारांच्या ठेविच्या रक्कमा त्यांचे वारसास अदा करणे बाबत विचार करणे.

विषय क्र.6:- शाखाअंतर्गत रु. 10.00 लाखापेक्षा जादा वाढलेल्या रोकडशिल्लकेस मान्यता देणे बाबत विचार करणे.

विषय क्र.7:- सालसन 1994.95 व 1995.96 या वर्षाच्या डिव्हिडन्टच्या रक्कमा अदा करणे बाबत विचार करणे.

विषय क्र.8:- मा.आयकर अधिकारी, आयकर कार्यालय [टी.डी.एस] लातूर यांचेकडील पत्राची नोंद घेणे.

विषय क्र.9:- उस्मानाबाद जनता सह.बँक लि.,उस्मानाबाद या बँकेस मंजुर असलेल्या ओव्हरड्राफ्ट मर्यादेचे नुतनीकरण बाबत विचार करणे.

विषय क्र.10 :-बालाघाट नागरी सह पत संस्था म.उस्मानाबाद या संस्थेचे अंशत: भाग ठेवून उर्वरीत भागाची रक्कम परत मिळणे बाबत सादर केलेल्या प्रस्तावावर विचार करणे.

विषय क्र.11:- बिगरशेती सहकारी संस्थाच्या मंजुर कॅश क्रेडीट प्रकरणास उत्तरकृति मान्यता व नुतनीकरणास मान्यता देणे व आलेल्या कर्ज मागणी प्रस्ताव मंजुरी [illegible]

विषय क्र. १२ :- सालसन २००२-२००३ साठी हंगामाचे पिक कर्जदर निश्चि[illegible]करणे व धोरण ठरविणे बाबतविचार करणे.

विषय क्र. १३ :- विविध कारणासाठीच्या मध्यम मुदत [शोती] मंजुर कर्ज प्रकरणांना मुदतवाढ देणे, दिलेल्या कर्ज मंजुरीस/मुदतवाढीस उत्तरकृति मान्यता देणे व आलेल्या नवीन म.मु. कर्ज मागणी प्रस्तावाचे संदर्भात मंजुरी बाबत विचार करणे.

विषय क्र. १४ :- प्रकल्पांतर्गत मंजुर प्रकरणांना मुदतवाढ देणे व आलेल्या प्रकरणांना मंजुरी बाबत विचार करणे. तसेच नवीन वाहन कर्ज मागणी प्रस्ताव मंजुरी बाबत विचार करणे.

विषय क्र. १५ :- माहे मार्च, जून, सप्टेंबर-२००१ या तिमाही अखेरच्या जिल्हास्तरीय देखरेख व आढावा समितीच्या बैठकांच्या इतिवृत्तांची नोंद घेणे व त्यावरील कार्यवाही बाबतच्या अम्मलबजावणी संदर्भात विचार करणे.

विषय क्र. १६ :- माहे डिसे. २००१ व जानेवारी २००२ व फेब्र. २००२ अखेर झालेल्या कर्ज वसुलीची नोंद घेणे.

विषय क्र. १७ :- न्याय प्रविष्ट प्रकरणांची नोंद घेणे.

विषय क्र. १८ :- बँकेचे सरव्यवस्थापक श्री. अे. जे. देशपांडे यांच्या कार्यमुक्ती संदर्भात मा. विभागीय सहनिबंधक सह. संस्था लातुर यांच्या दिनांक २१.२.२००२ च्या पत्राची व श्री. अे. जे. देशपांडे सरव्यवस्थापक, बँकेच्या सेवेतुन कार्यमुक्त झाले बाबतची नोंद घेणे.

विषय क्र. १९ :- रु. ५०००/- चे वरील खर्चाची जिले मंजरी बाबत विचार करणे.

विषय क्र. २० :- आयत्यावेळच्या विषयावर मा. चेअरमन साहेब यांच्या परवानगीने विचार करणे.

सय,पात

उप सरव्यवस्थापक

आपला विश्वासू

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उस्मानाबाद

0345

उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि., Sb.No. 58
मु.का. उस्मानाबाद

जा.क्र. प्रशासन/ 13356 /०१.०२ दि:- ४/३/२००२

प्रति,
श्री----------

स.न.वि.वि.
विषय:-संचालक मंडळाची सभा

बँकेच्या मा.संचालक मंडळाची सभा दिनांक ११.३.०२ रोज सोमवार या दिवशी दुपारी १.०० वाजता बँकेच्या उस्मानाबाद येथिल सभागृहात मा. चेअरमन श्री.पवन राजेनिंबाळकर यांचे अध्यक्षतेखाली खालील विषयावर चर्चा करणे-साठी बोलावण्यांत आलेली आहे. तरी सर्व सदस्यांनी सदर सभेस वेळेवर उपस्थित राहवे ही विनंती.

- : सभे पुढील विषय : -

विषय क्र.१:- दिनांक ५.१.२००२ व दि ८.२.२००२ रोजी झालेल्या मा.संचालक मंडळ सभांचे इतिवृत वाचून कायम करणे.

विषय क्र.२:- माहे ऑक्टोबर/नोव्हेंबर/डिसेंबर-२००१ व जानेवारी २००२ अखेरच्या ताळेबंद पत्रकास व सदर महिन्यात झालेल्या खर्च पत्रकास मान्यता देणे.

विषय क्र.३:- माहे डिसेंबर २००१ व जानेवारी २००२ या महिन्यातील तरती जिंदगी व सांपत्तिक स्थितीची नोंद घेणे.

विषय क्र.४:- ठेवीच्या तारणावर दिलेल्या कर्जास मान्यता देणे.

विषय क्र.५:- मयत खातेदारांच्या ठेविच्या रक्कमा त्यांचे वारसास अदा करणे बाबत विचार करणे.

विषय क्र.६:- शाखाअंतर्गत रु. १०.०० लाखापेक्षा जादा वाढलेल्या रोकडशिल्लकेस मान्यता देणे बाबत विचार करणे.

विषय क्र.७:- सालसन १९९४.९५ व १९९५.९६ या वर्षाच्या डिव्हिडन्टच्या रक्कमा अदा करणे बाबत विचार करणे.

विषय क्र.८:- मा.आयकर अधिकारी, आयकर कार्यालय [टी.डी.एस] लातूर यांचेकडील पत्राची नोंद घेणे.

विषय क्र.९:- उस्मानाबाद जनता सह.बँक लि.,उस्मानाबाद या बँकेस मंजुर असलेल्या ओव्हरड्राफट मर्यादेचे नुतनीकरण बाबत विचार करणे.

विषय क्र.१० :-बालाघाट नागरी सह पत संस्था म.उस्मानाबाद या संस्थेचे अंशत: भाग ठेवून उर्वरीत भागाची रक्कम परत मिळणे बाबत सादर केलेल्या प्रस्तावावर विचार करणे.

विषय क्र.११:- बिगरशेती सहकारी संस्थाच्या मंजुर कॅश क्रेडीट प्रकरणास उत्तरकृति मान्यता व नुतनीकरणास मान्यता देणे व [illegible] प्रस्ताव मंजुरी बाबत विचार करणे.

विषय क्र. १२ :- सालसन २००२-२००३ साठी हंगामाचे पिक कर्जदर निश्चित करणे व धोरण ठरविणे बाबतविचार करणे.

विषय क्र. १३ :- विविध कारणासाठीच्या मध्यम मुदत [शेती] मंजुर कर्ज प्रकरणांना मुदतवाढ देणे, दिलेल्या कर्ज मंजुरीस/मुदतवाढीस उत्कृति मान्यता देणे व आलेल्या नवीन म.मु. कर्ज मागणी प्रस्तावाचे संदर्भात मंजुरी बाबत विचार करणे.

विषय क्र. १४ :- प्रकल्पांतर्गत मंजुर प्रकरणांना मुदतवाढ देणे व आलेल्या प्रकरणांना मंजुरी बाबत विचार करणे. तसेच नवीन वाहन कर्ज मागणी प्रस्ताव मंजुरी बाबत विचार करणे.

विषय क्र. १५ :- माहे मार्च, जून, सप्टेंबर-२००१ या तिमाही अखेरच्या जिल्हास्तर देखरेख व आढावा समितीच्या बैठकांच्या इतिवृत्तांची नोंद घेणे त्यावरील कार्यवाही बाबतच्या अम्मलबजावणी संदर्भात विचार करणे

विषय क्र. १६ :- माहे डिसे. २००१ व जानेवारी २००२ व फेब्र. २००२ अखेर झालेल्या कर्ज वसुलीची नोंद घेणे.

विषय क्र. १७ :- न्याय प्रविष्ट प्रकरणांची नोंद घेणे.

विषय क्र. १८ :- बँकेचे सरव्यवस्थापक श्री. अे. जे. देशपांडे यांच्या कार्यमुक्ती संदर्भात मा. विभागीय सहनिबंधक सह. संस्था लातुर यांच्या दिनांक २१.२.२० च्या पत्राची व श्री. अे. जे. देशपांडे सरव्यवस्थापक, बँकेच्या सेवेतुन कार्यमुक्त झाले बाबतची नोंद घेणे.

विषय क्र. १९ :- रु. ५०००/- चे वरील खर्चाची बिले मंजुरी बाबत विचार करणे

विषय क्र. २० :- आयत्यावेळच्या विषयावर मा. चेअरमन साहेब यांच्या परवानगीने विचार करणे.

आपला विश्वासु

सत्यप्रत

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सहाय्यक अभिलेखक
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दिनांक :- ८/५/२००२.

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प्रति,

मे. पोलिस निरीक्षक,
पोलिस ठाणे उस्मानाबाद (शहर)
उस्मानाबाद.

विषय : उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅंक म. उस्मानाबादचे चेअरमन श्री. भूपालसिंह उर्फ पवन संताजीराव राजे निबांळकर यांचे विरूद्ध रूपये २९,९९,३४,५९१.०० चा अपहार केले बाबत गुन्हा नोंद करणेबाबत.....

उपरोक्त विषयास अनुसरून सविस्तर फिर्याद सादर करतो की, या कार्यालयाचे पत्र जा.क्रं.प्रशासन/जिमस बॅंक/अर्थिक गैरकारभार/८१३/०२ दि. २६/४/२००२ अन्वये उस्मानाबाद जिल्हा मध्यवर्ती सहाकरी बॅंकेत रूपये २९,९९,३४,५९१.०० चा अपहार झाल्याबाबत श्री. एल. एम. पवार विशेष लेखापरिक्षक वर्ग-१ सहकारी संस्था (बॅंक) लातूर यांना तपासणी करण्याचा अधिकार दिला. त्याप्रमाणे त्यांनी दि. २९/०४/२००२ रोजी सदर बॅंकेची तपासणी केली. सदर तपासणीत त्यांनी असे नमुद केले आहे की, नागपुर जिल्हा मध्यवर्ती सहकारी बॅंकेकडून दि. ३१/०१/२००२ रोजी महाराष्ट्र राज्य सहकारी बॅंक मुंबई येथील उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅंकेच्या चालू खात्यात रू. ३० कोटी जमा करण्यांत आले व रू. २९,९९,३४,५९१.०० होम ट्रेड वाशी मुंबई या दलाला मार्फत शासकीय रोखे खरेदी करण्यासाठी दि. १/०२/२००२ रोजी देण्यांत आले होते. सदरचा व्यवहार बॅंकेचे चेअरमन श्री. भूपालसिंह उर्फ पवन संताजीराव राजेनिंबाळकर यांनी फोनवरून केलेला आहे. त्यांनी रोखे खरेदी करून बॅंकेस पावत्या दिलेल्या नाहीत. म्हणून रूपये २९,९९,३४,५९१.०० चा अपहार केला आहे. त्यास बॅंकेचे चेअरमन श्री. भूपालसिंह उर्फ पवन संताजीराव राजेनिंबाळकर हे व्यक्तिशा जबाबदार आहेत. श्री. एल.एम. पवार लेखापरिक्षक वर्ग-१ सहकारी संस्था (बॅंक) लातूर यांचा विशेष अहवाल सोबत जोडला आहे.

तरी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅंकेचे चेअरमन श्री. भूपालसिंह उर्फ पवन संताजीराव राजेनिंबाळकर यांचे विरूध्द रूपये २९,९९,३४,५९१.०० चा अपहार करून बॅंकेस नुकसान पोंहचविले व फसवणुक केली म्हणून त्यांचे विरूध्द पोलिस गुन्हा नोंद करणेसाठी रितसर फिर्याद देत आहे. ती खरी आहे.

(बी.पी.राठोड)
विभागीय सहनिंबधक
सहकारी संस्था, लातूर

सोबत :-
१) अधिकार पत्र एकप्रत.
२) विशेष अहवाल एकप्रत.
३) संबंधित कागदपत्राच्या छायांकित प्रति.

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Office of the
Divisional Joint Registrar,Cooperative Societies
Latur,Dated :- 8 / 05 / 2002

Read:- Special Report of Special Auditor ,Cooperative Societies Class-I (Bank) Latur regarding the misappropriation of Rs.29,99,34,591/- of the Osmanabad District Central Cooperative Bank Ltd.Osmanabad by the Chairman Shri. Bhupalsingh alias Pawan Santajirao Raje Nimbalkar.

AUTHORISATION

The Divisional Joint Registrar, Cooperative Societies, Latur hereby authorise to Shri. B.P. Rathod. Divisional. J.T.R.C.S. Latur to lodge a formal complaint with the concerned Police Station against the Chairman Shri. Bhupalsingh alias Pawan Santajirao Raje Nimbalkar of the Osmanabad District Central Cooperative Bank Ltd.Osmanabad who has alleged to above misapporpriated an amount of Rs.29,99,34,591/- of above Bank.

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Divisional Joint Registrar,
Cooperative Societies, Latur

Copy forwarded to:-

1. Shri. B.P. Rathod. Divisional. J.T.R.C.S. Latur. with instruction to lodge the complaint against the above responsible person immediately under intimation to this office.
2. The Police Sub-Inspector ,Osmanabad through the Shri :- B.P. Rathod. Divisional. J.T.R.C.S. Latur for information and with respect to register the complaint when authorised person approching him.

Divisional Joint Registrar,
Cooperative Societies,Latur

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जा.क्रं. /ले.प./कॅप उ,बाद/२००२ 0.37
कार्यालय,
विशेष लेखापरिक्षक वर्ग-१ सहकारी संस्था 1263
(बॅंक) लातूर दि. २९/४/२००२.

मा. विभागीय सहनिंबधक,
सहकारी संस्था, लातूर.

विषय :- लेखापरिक्षक करून विशेष अहवाल सादर करणे बाबत.
जिल्हा मध्यवर्ती सहकारी बॅंक लि. उस्मानाबाद.

संदर्भ :- आ.का.प.क.जा.क्रं.प्रशासन/जि.म.स.बॅंक/आर्थिक गैरकारभार/ ०२ दि. २६/४/२००२.

उपरोक्त विषयी संदर्भीय पत्रानुसार आज दि. २९/४/०२ रोजी भेट देवून संदर्भीय पत्रात नमुद मुद्दे संबंधी रेकॉर्ड तपासून मुद्देनिहाय अभिप्राय देण्यांत येत आहे.

१) बॅंकेकडून स्विकारलेल्या ठेवी :-

बॅंकेने नागपूर जि.म.स.बॅंक व आकोला जि.म.स. बॅंकेकडून खालील नमूद केलेल्या तारखांना ठेवी स्विकारून त्या संबंधीचे बॅंकेच्या संचालक मंडळाची सभा ५.१.२००२ व ८.२.२००२ मध्ये सभेचा वृत्तांत नोंद घेतल्याचे स्पष्ट होते.

बॅंकेचे नांव	व्याजदर	ठेवी स्विकारल्याची पावती	मुदत ठेवीची रक्कम	कालावधी
१) नागपूर जि.म.स. बॅंक	१/२	५.१२.२००१	२०.०० कोटी	१२ महिने
२) नागपूर जि.म.स.बॅंक	१०%	३१.१.२००२	३०.०० कोटी	६ महिने
३) आकोल जि.म.स.बॅंक	१३,१/२	२३.११.२००१	२.०० कोटी	१३ महिने

वरील ठेवी स्विकारण्यासाठी बॅंकेने कोणतेही नियम तयार करून सक्षम अधिका-यांची मान्यता घेतली नाही. सदर स्विकारलेल्या ठेवी पैकी बॅंकेने ३० कोटी रूपये शासनाचे रोखे मध्ये गुंतवणूक करण्यासंबंधी भारतीय शिखर बॅंकेचे परिपत्रक नं. आरपीसी डी/आरएफ/बी.सी./१७/अ-४/ १९९२.९३ दि.४.९. १९९२ अन्वये एस.जी.एल.ची सवलत उपलब्ध असतांना त्यांच्या मार्फत खरेदी करावयास पाहिजे होते. तसे न करता इन्टर बॅंक व्यवहारासाठी ब्रॉकरच्या सेवा हास्तगत केलेली आहे. परंतू त्यासाठी नियमित पध्दतीचा अवलंब केलेला नाही. यासाठी ६० ते ९० दिवस मुदत निश्चित करून त्या मुदतीत रोखे हास्तगत करण्याचे निदर्शनास येते. परंतू य पध्दतीसाठी संचालक मंडळाने या बाबी कोणतेही धोरण मान्य केल्याचे निदर्शनास येत नाही व या संबंधी कोणतेही रेकॉर्ड बॅंकेच्या दप्तरी उपलबध नाही. सदर रक्कम रू. ३० कोटी बॅंकेने नागपूर जि.म.स. बॅंकेकडून दि. ३१.१.०२ ठेवीपोटी बॅंकेचे खाते क्रमांक ७३/४७०१/०१ या खाती वर्ग केले व नंतर फोनवरून संदेश देवून सदर रक्कम होम ट्रेडर्स वाशी मुंबई यांचे चालू खाते क्रं.३ ए /१७०३१ या खात्यास दि. १.२.२००२ ला वर्ग केले सदर रक्कम होम ट्रेडर्स वाशी मुंबई यांच्या खाती वर्ग झाल्यानंतर त्यांनी खालील नमुद तपशिलाप्रमाणे रोखे खरेदी केल्याचे बॅंकेला कळविले आहे व त्या संबंधीच्या पावत्या भारतीय शिखर बॅंकेकडून हास्तगत करून ३०.४.२००२ पर्यंत उपलब्ध करून देण्याचे त्यांच्या कॅन्ट्रॅक्ट नोटवरून मान्य केल्याचे निदर्शनास येते.

अ. क्रं	रोखे तपशिल	दर्शनी	किंमत (बाजारभाव)
१	१०.५२% बिहार एस.डी.एल.२०१०	१६०००००००	१८५२८५३३.३०
२	११.८५% सिक्कीम २०९०	९५०००००	११७५२१७२.९२
३	१३.५% नागालॅंड २००७	१८५०००००	२२९९५२६८.७५
४	१३.५ एम.पी.एस.डीएल. २००७	६४००००००	७९५५१२००.००
५	१०.५२% एम.पी.एस.डी.एल. २०१०	३०००००	३४७६१६.००
		२५२३०००००	२९९९३४५९१.००

वरील रोख्यात गुंतवणूक बॅंकेने रोख्याच्या दर्शनी किंमतीपेक्षा अधिक प्रमाणांत गुंतवणूक केलेली आहे. त्या शिवाय त्यावरील व्याजाचे दर सुध्दा कमी आहे. बॅंकेकडून ठेवी स्विकारतांना बॅंकेने दिलेल्या व्याजाचा विचार करता बॅंकेला उत्पन्न होईल हे उध्दीष्ट ठेवून गुंतवणूक करावयास पाहिजे होती.

या शिवाय ब्रोकर नेमतांना प्रचलीत पध्दतीचा अवलंब न करता नियुक्ती करण्यांत आली आहे. तसेच त्यांनी ६० ते ९० दिवसात रोखेच भारतीय शिखर बॅंकेकडून पावती हास्तगत करून पाठविण्याचे कबूल केले असतांना आज पावेतो ८९ दिवस झालेले आहेत. परंतू अद्याप बॅंकेला पावती प्राप्त झालेली नाही. त्यामुळ बॅंकेची निधी योग्य रितीने गुंतवण्यात आली नसल्याचे स्पष्टदिसून येते. या संबंधीचे बॅंकेने नोंद वही अद्यावत ठेवली आहे. त्यात बॅंकेने नोंद घेऊन त्यावरील व्याज वसूल दाखवून येणे दर्शविले आहे हि रक्कम रू. १,२३,९२,५३२.०० ३१.३.२००२ पर्यंत होणारी व्याजाची रक्कम आहे.

बॅंकेची सभा दि. ५.१.२००२ च्या वृत्तांत टिपणीत ठराव क्रं.६ तपशिलात बॅंकेने संचालक मंडळाच्या निदर्शनास असे आणून दिले होते की, बॅंकेला ठेवीवर १५% व्याज पडत असल्यामुळे बॅंकेकडून ठेवी स्विकारणे आपल्या बॅंकेच्या दृष्टीने परवडणारे नाही. तरीही ठेवी स्विकारून सदर रोखे मध्ये गुंवणूक करण्यात आलेली आहे. या बाबतीत अद्याप भारतीय शिखर बॅंकेच्या पावत्या बॅंकेस प्राप्त झाल्या नाहीत म्हणून सदर गुंतवणूक प्रमाणीत करता येत नाही.

नागपूर जि.म.स.बॅंकेकडून दि. ५.१२.२००१ ला बॅंकेने २०.०० कोटी रूपये ठेवी म्हणून व्याजदर १३,१/२% प्रमाणे १३ महिन्या करिता स्विकारलेल्या आहेत.सदर रक्कम बॅंकेने महाराष्ट्र राज्य बॅंकेच्या पगारदार पतपेढीच्या कर्ज खाती भरणा केल्याचे सांगीतले आहे. परंतू बॅंकेकडून १३% दराने ठेवी स्विकारून बॅंकेन स्वतःच्या कर्ज खाती रक्कम भरणे योग्य वाटत नाही. सदर कर्जाचे व्याजदर १३,१/२% आहे.

अकोल जि.म.स. बॅंकेकडून रू. २ कोटी दि. २१.११.२००१ रोजी १३,१/२% व्याजदराने ठेवी स्वीकारून बॅंकेने स्वतःचे ओव्हर ड्राप्ट रू. ३१४८५८३२.०७ होता. त्यापोटी भरणा केल्याचे निदर्शनास येते. ओव्हर ड्राप्ट व्याजदर १३% आहे. १३,१/२% ने ठेवी स्विकारून १३% व्याजदराने कर्ज परत करणे हे बॅंकेच्या व्यवहाराच्या दृष्टीने योग्य वाटत नाही.

बॅंकेने दि. १३.२.२००२ रोजी ओमसाई इन्फ्रायमेक्स प्रा.लि. राजीवनगर औरंगाबाद रोड उस्मानाबाद यांना रू. १० कोटीची बॅंक हामी दिलेली आहे.

मात्र या संबंधी नाबार्डचे मार्गदर्शक परिपत्रक व सुचना आहे त्याची पुर्तता केलेली नाही. तसेच बॅकेच्या पोटनियमाप्रमाणे बॅकेची हामी देण्याबाबत तरतुद नाही. व यासाठी बॅकेनें कोणतेही नियम तयार केले नाही.

सदर हामी देतांना बॅकेने सदर फर्मला नाममात्र सभासद करून त्यांची स्थावर असलेली मालमत्ता गहाण ठेंवण्यांत आली. ज्याची मुल्य १९ कोटी रूपये आहे. मात्र सदर मालमत्ता बॅकेच्या कार्यक्षत्रा बाहेर आहे.

तसेच उस्मानाबाद जि.म.स.बॅक यांनी वैयक्तिक कर्ज मर्यादा उल्लंघन करून व कोणत्याही प्रकारची हामी न घेता सोबत जोडलेल्या तक्त्याप्रमाणे १ ते ६ फर्मला रू. २९ कोटी नियमबाहय कर्ज वाटप केले आहे.

रोख्यामध्ये गुंतवणूक करतांना खालील बाबीचे उल्लंघन केलेले आहे.

१) दि. ३१.१.२००२ पुर्वी होम ट्रेडर्स वाशी मुंबई यांच्याकडे रोखे खरेदी करण्यबाबत कसल्याच प्रकारच्या पत्रव्यवहार व करारनामे झालेले नाहीत.

२) होम ट्रेडर्स वाशी मुंबई ही फर्म आर.बी.आय मान्यता आहे किंवा नाही याची खात्री करण्यांत आली नाही. या बाबत आर.बी.आय. सर्क्युलर नं. आरपीसीडी/आरएफ बीसी-१७/९-४, ९२-९३ दि. ४.९.१९९३ गुंतवणुकी करतांना दक्षता घेतली नाही.

३) एक मध्यवर्ती सह. सं. दुस-या मध्यवर्ती सह. संस्थेमध्ये निंबधकाच्या परवानगी शिवाय ठेवी वा निधी गुंतवू शकणार नाही अशी परवानगी न घेता गुंतवणूक केली तरी झालेला व्यवहार बेकायदेशीर आहे.

होम ट्रेडर्स मुंबई हे अधिकृत नोंदणी झालेले ब्रोकर्स आहेत किंवा नाही याची खात्री केलेली नाही. तसेच या होमची अधिकृत बोर्ड मॅबरची यादी नाही. सदरील व्यवहारा बाबत विहित मुद्रांक शुल्कच्या दस्तऐवजवर करारनामा केला नाही. होम ट्रेडर्स मुंबई यांच्या कॉन्ट्रॅक्ट नोटवर उ.जि.म.स. बॅके तर्फे श्री. व्ही. डी. माळवदे डेप्युटी चिफ ऑफिसर यांच्या सहया आहेत. अशा प्रकारच्या कॉन्ट्रॅक्ट नोंटवर सहया करण्याचा अधिकार त्यांना नाही.

बॅंक ३१.१.२००२ला झालेल्या व्यवहाराचा जमाखर्च हे बूकास दि. २२.२.२००२ ला उशिरा करण्यांत आला आहे.

गव्हर्नमेंट सेक्युरिटीच्या पावत्या नसतांना गव्हर्नमेंट सेक्युरिटी म्हणून खालील खात्यास खालील प्रमाणे खर्च नोंदला दि. २२.२.२००२ जा डेबूक पान ३९४

गव्हर्नमेंट सेक्युरिटी २५२३००००००/-

२) गव्हर्नमेंट सेक्युरिटीज अनामत ३९९६०००/-
व गव्हर्नमेंट सेक्युरिटी व्याज येणे म्हणून ९६६५५९१
रक्कम खर्च नोंदली आहे.

वरील रक्कमेच्या आर.बी.आय. रिसिट नाहीत.

सदरील रिसिट मागणी बाबत बॅंकेने ५.२.२००२, २०.२.२००२, १.३.२००२, ६.३.२००२, ३.४.२००२ च्या स्मरण पत्राने आर.बी.आय. रिसिटची मागणी केली आहे. परंतू त्या प्राप्त झाल्या नाहीत.

एकंदरीत वरी प्रमाणे गैरव्यवहार झाला आहे.

में. साहेबास सविनय सादर.

विशेष परिक्षक वर्ग-१
सह.संस्था (बॅंक) लातूर.

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
Compared by

क्र:- 694 (1) पंचनामा दि. 06.06.2002

पंच

1) कुमार बाबुराव ओहाळ वय 30 वर्षे धंदा मजूरी रा. आंबेडकर मिसगर उस्मानाबाद.

2) अमर बलंगराव किरदत्त वय 32 वर्षे धंदा शेती रा. आनंदनगर उस्मानाबाद.

आम्ही वरील पंचायत पोलीस निरीक्षक श्री. वी. रे इडगे पोलीस ठाणे उस्मानाबाद (शे) यांनी पोलीस ठाणे उस्मानाबाद (शे) येथे बोलावून आम्ही पंच हजर असतो. येथे पोलीसांनी नोंदविले. पोलीस ठाणे उस्मानाबाद (शे) गुन्हा नं. 106/02 कलम 406, 409, 420, 34 भादवी प्रमाणे आरोपी नामे अण्णा श्रीनिवास देशपांडे सेवानिवृत्त सरव्यवस्थापक उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक (म) उस्मानाबाद हमु. रिंग रोड तानू आले गुन्ह्याचे तपासकामी हजीर व सहया घेण्याचे आहे असे सांगितले. वरून आम्ही पंचासमक्ष आरोपी नामे अण्णा श्रीनिवास देशपांडे यांचे एकंदर सहा कागदावर पोलीस तपासाचे अनुषंगाने आम्ही आमचे समक्ष सांगितल्याने मजकूर स्वहस्ताने लिहीले. त्या प्रत्येक (6) कागदावर आम्ही सहया केल्या.

तसेच आरोपी नामे अण्णा श्रीनिवास देशपांडे यांच्या सहा कागदावर सहा सहया नमुना बदल घेण्यात आल्या त्या सहा कागदावर आम्ही पंच म्हणून सहया केल्या आहे.

हा पंचनामा आम्ही पंचांनी प्रथमपासून शेवटपर्यंत हजर राहून करून दिला तो बरोबर व खरा आहे.

हा पंचनामा 0800 ला सुरू करून 0900 ला संपविला

पंचाचे सहया

1) कुमार ओहाळ

2) [illegible]

तपासी

पोलीस निरीक्षक,
पो. ठाणे उस्मानाबाद (शे).

क्र:-694(2) पंचनामा दि. 06.06.2002

पंच (28)

1) कुमार बाबुराव ओहाळ वय 31 वर्षे धंदा-मजूरी रा. म्हाडा कॉलनी, उस्मानाबाद.

2) कुमार बसवराज विश्वनाथ वय 32 वर्षे धंदा-शेती रा. आनंदनगर उस्मानाबाद.

आम्हा वरील पंचास पोलीस निरीक्षक बी.बी. रेड्डी पोलीस ठाणे उस्मानाबाद (शा) यांनी पोलीस ठाणे उस्मानाबाद (शा) येथे बोलावले वरून आम्ही पंच हजर आलो. येथे पोलीसांनी सुरु केले, पोलीस ठाणे उस्मानाबाद (शा) गुन्हा 106/02 कलम 406, 409, 420, 34 भादवी मधील आरोपी विनायक दिगंबरराव माळवदे, उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक (म). उस्मानाबाद मुख्याधिकारी (हिशोब) रा. पटेल चौक लातूर यांचे गुन्ह्यांचे तपासकामी हजारीत व सही घेण्याचे आहे. असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे विनायक दिगंबर माळवदे यांने एकंदर सही कागदावर पोलीस तपासीक संमतीदार यांनी आमचे समक्ष सांगितलेल मजकूर स्वहस्ताक्षरात लिहिले तसे प्रत्येक (6) कागदांवर आम्ही सही केल्या.

तसेच आरोपी नामे विनायक दिगंबरराव माळवदे यांच्या सही कागदावर सही सही नमुन्याबद्दल घेण्यात आल्या. त्या कागदावरही आम्ही पंच म्हणून सही केल्या आहे.

हा पंचनामा आम्ही पंचांनी प्रथमपासून अखेर पर्यंत हजर राहून करून दिला तो बरोबर व खरा आहे.

पंचनामा 09.05 वा. सुरु करून 10.00 वा. संपविला

पंचाची सही

1) कुमार ओहाळ 2)

पोलीस निरीक्षक
पो. ठाणे उस्मानाबाद (शा).

694(3) पंचनामा दि. 06.06.2012

CR88

पंच

1) कुमार बाबुराव उनहाळे वय 31 वर्षे धंदा: शेती / मजूरी रा. शांतीचौक मिरजगाव उस्मानाबाद.

2) अमर बसंतराव किरदत्त वय: 32 वर्षे धंदा: शेती रा. आनंदनगर उस्मानाबाद.

आम्हा वरील पंचास पोलीस निरीक्षक श्री व्हि. ई. इंगळे पोलीस ठाणे उस्मानाबाद (शा) यांनी पोलीस ठाणे उस्मानाबाद (शा) येथे बोलावून घेऊन आम्ही पंच हजर आलो. येथे पोलीसांनी कळविले की, पोलीस ठाणे उस्मानाबाद (शा) गुरन - 106/02 कलम 406, 409, 420, 34 भादवी मधील आरोपी हरिश्चंद्र काशीनाथ गांधे - मुख्याधिकारी (निवृत्त) उस्मानाबाद जिल्हा सध्यवर्ती सहकारी बँक (मि) उस्मानाबाद हमु. आकुलगा (कुंभ ता. कुंभ जि. उस्मानाबाद) यांचे गुन्ह्याचे तपासकामी हजारी (व) नमुना नंबर घेण्याचे आहे. असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे हरिश्चंद्र काशीनाथ गांधे यांचे एकदर सही कागदावर पोलीस तपासीक अंमलदार यांनी आमच्या समक्ष सांगीतलेले मजकूर स्वहस्ताने लिहीले तसा प्रत्येक (6) कागदावर आम्ही सहया केल्या.

तसेच आरोपी नामे हरिश्चंद्र काशीनाथ गांधे यांच्या सही कागदावर सही सहया नमुनाबद्दल घेण्यात आल्या. या सही कागदावरही आम्ही पंच म्हणून सहया केल्या आहेत.

हा पंचनामा आम्ही पंचांनी प्रत्यक्ष पाहून करवेरपर्यंत हजर राहून करून दिला तो बरोबर व खरा आहे.

हा पंचनामा 100% व लुकलुक 1100 वाजेपासून

पंचाच्या सहया

1) कुमार उनहाळे

2) [illegible]

सही

पोलीस निरीक्षक,
पो. ठाणे उस्मानाबाद (शा).

694(4) पंचनामा दि. 06.06.2002

पंच

1) कुमार बाबुराव ओहळ वय 30 वर्ष धंदा - मजूरी रा. मांगीचौक गोपालनगर उस्मानाबाद.

2) अमर बसंतराव किरदत्त वय 32 वर्ष धंदा - शेती रा. आनंदनगर उस्मानाबाद.

आम्हा वरील पंचास पोलीस निरीक्षक, बी.डी.डी. पोलीस ठाणे उस्मानाबाद (शा) यांनी पोलीस ठाणे उस्मानाबाद (शा) येथे - व्यापारी पंच हजर राहावे येथे पोलीसांनी नकाशाचे वर्णन, पो.ठा. उस्मानाबाद (शा) गुन्हा - 106/02 कलम 406, 409, 420, 34 भादवि मधील आरोपी नामे रमेश काशिराव मोरे मुख्याधिकारी (प्रशासन) उस्मानाबाद नगर परिषद व तत्कालीन मुख्याधिकारी (म) उस्मानाबाद यांचे गुन्ह्याचे तपासकामी हजारीत व नमूना तक्ता घेण्याचे आहे असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे रमेश काशिराव मोरे यांचे एकंदर तक्ता कागदावर पोलीस तपासणीस अंमलदार यांनी आमचे समक्ष सांगितलेल्या मजकूर लिहून शिवाय प्रत्येक (6) कागदावर आमची सही घेतली.

तसेच आरोपी नामे रमेश काशिराव मोरे यांच्या तक्ता कागदावर सही घेतली नमूना बद्दल खुलासा सांगण्यात आला तक्ता कागदावरची आमची पंच म्हणून सही घेतली आहे.

हा पंचनामा आमची पंचांची पुरावा म्हणून हजर राहून काम दिले. तो वाचून खरा आहे.

हा पंचनामा 1105 वा. सुरु करून 1200 वा. संपविला.

पंचाची सही

1) कुमार ओहळ

2)

पोलीस निरीक्षक,
पो.ठा. उस्मानाबाद (शा)

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उस्मानाबाद

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मु.का. उस्मानाबाद

Ex No:-722

13356

जा.क्र. प्रशासन/ /०१.०२

दि:- ४/३/२००२

Ex 722

प्रति,
श्री----------

स.न.वि.वि.

विषय:-संचालक मंडळाची सभा

बँकेच्या मा.संचालक मंडळाची सभा दिनांक ११.३.०२ रोज सोमवार या दिवशी दुपारी १.०० वाजता बँकेच्या उस्मानाबाद येथिल सभागृहात मा. चेअरमन श्री.पवन राजेनिंबाळकर यांचे अध्यक्षतेखाली खालील विषयावर चर्चा करणे-साठी बोलावण्यांत आलेली आहे. तरी सर्व सदस्यांनी सदर सभेस वेळेवर उपस्थित राहावे ही विनंती.

- : सभे पुढील विषय : -

विषय क्र.१:- दिनांक ५.१.२००२ व दि ८.२.२००२ रोजी झालेल्या मा.संचालक मंडळ सभांचे इतिवृत वाचून कायम करणे.

विषय क्र.२:- माहे ऑक्टोबर/नोव्हेंबर/डिसेंबर-२००१ व जानेवारी २००२ अखेरच्या ताळेबंद पत्रकास व सदर महिन्यात झालेल्या कार्य पत्रकास मान्यता देणे.

विषय क्र.३:- माहे डिसेंबर २००१ व जानेवारी २००२ या महिन्यातील तरतीजिंदगी व सांपत्तिक स्थितीची नोंद घेणे.

विषय क्र.४:- ठेवीच्या तारणावर दिलेल्या कर्जास मान्यता देणे.

विषय क्र.५:- मयत खातेदारांच्या ठेविच्या रक्कमा त्यांचे वारसास अदा करणे बाबत विचार करणे.

विषय क्र.६:- शाखाअंतर्गत रु. १०.०० लाखापेक्षा जादा वाढलेल्या रोकडशिल्लकेस मान्यता देणे बाबत विचार करणे.

विषय क्र.७:- सालसन १९९४.९५ व १९९५.९६ या वर्षाच्या डिव्हिडन्टच्या रक्कमा अदा करणे बाबत विचार करणे.

विषय क्र.८:- मा.आयकर अधिकारी, आयकर कार्यालय [टी.डी.एस] लातूर यांचेकडील पत्राची नोंद घेणे.

विषय क्र.९:- उस्मानाबाद जनता सह.बँक लि.,उस्मानाबाद या बँकेस मंजुर असलेल्या ओव्हरड्राफ्ट मर्यादेचे नुतनीकरण बाबत विचार करणे.

विषय क्र.१० :-बालाघाट नागरी सह पत संस्था म.उस्मानाबाद या संस्थेचे अंशत: भाग ठेवून उर्वरीत भागाची रक्कम परत मिळणे बाबत सादर केलेल्या प्रस्तावावर विचार करणे.

विषय क्र.११:- बिगरशेती सहकारी संस्थाच्या मंजुर कॅश क्रेडीट प्रकरणास उत्तरकृति मान्यता व नुतनीकरणास मान्यता देणे व आलेल्या कर्ज मागणी प्रस्ताव मंजुरी बाबत विचार करणे.

विषय क्र. १२ :- सालसन २००२-२००३ साठी हंगामाचे पिक कर्जदर निश्चिती करणे धोरण ठरविणे बाबतविचार करणे.

विषय क्र. १३ :- विविध कारणासाठीच्या मध्यम मुदत [शेती] मंजुर कर्ज प्रकरणांना मुदतवाढ देणे, दिलेल्या कर्ज मंजुरीस/मुदतवाढीस उत्तरकृति मान्यता देणे व आलेल्या नवीन म.मु. कर्ज मागणी प्रस्तावाचे संदर्भात मंजुरी बाबत विचार करणे.

विषय क्र. १४ :- प्रकल्पांतर्गत मंजुर प्रकरणांना मुदतवाढ देणे व आलेल्या प्रकरणांना मंजुरी बाबत विचार करणे. तसेच नवीन वाहन कर्ज मागणी प्रस्ताव मंजुरी बाबत विचार करणे.

विषय क्र. १५ :- माहे मार्च, जून, सप्टेंबर-२००१ या तिमाही अखेरच्या जिल्हास्तरीय देखरेख व आढावा समितीच्या बैठकांच्या इतिवृत्तांची नोंद घेणे व त्यावरील कार्यवाही बाबतच्या अम्मलबजावणी संदर्भात विचार करणे.

विषय क्र. १६:- माहे डिसे. २००१ व जानेवारी २००२ व फेब्रु. २००२ अखेर झालेल्या कर्ज वसुलीची नोंद घेणे.

विषय क्र. १७:- न्याय प्रविष्ट प्रकरणांची नोंद घेणे.

विषय क्र. १८:- बँकेचे सरव्यवस्थापक श्री. अे. जे. देशपांडे यांच्या कार्यमुक्ती संदर्भात मा. विभागीय सहनिबंधक सह. संस्था लातुर यांच्या दिनांक २१.२.२००२ च्या पत्राची व श्री. अे. जे. देशपांडे सरव्यवस्थापक, बँकेच्या सेवेतुन कार्यमुक्त झाले बाबतची नोंद घेणे.

विषय क्र. १९:- रु. ५०००/- चे वरील खर्चाची बिले मंजरी बाबत विचार करणे.

विषय क्र. २०:- आयत्यावेळच्या विषयावर मा. चेअरमन साहेब यांच्या परवानगीने विचार करणे.

सरव्यवस्थापक

आपला विश्वासू

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

12-3-06

D-1236

Ex 132

पोलीस ठाणे उस्मानाबाद शहर गुरनं.१०६/२००२ कलम ४२०,भादवि. वगैरे मधील आपहारीत रक्कम वर्ग करणे बाबत.दिलेल्या अर्जासोबत जोडण्यात आलेल्या कागदपत्राची फेरीस्त असे.

अ.क्र.	कागदपत्राचे नांव	दिनांक	संख्या	शेरा
१	मा.विद्यमान न्यायालयास दिलेले पत्र	२२/१/२००३	२	
२	फि.[illegible]/८/२००२ रोजीची पो.क रिमांड यादी	२६/८/२००२	३	
३	दि.[illegible]/२००२ रोजी सि.आर.पी.सी.कलम [illegible] प्रमाणे दिलेले पत्र	२८/८/२००२	१	
४	मा.उच्च न्यायालय मुंबई खंडपीठ औरंगाबाद येथे याचिका क्र.२३२/२००२ मध्ये देण्यात आलेले शपथपत्र.	31/8/2002	८	
५	दि. ११/११/२००२ रोजी विद्यमान न्यायालयास दिलेले पत्र	११/११/२००२	१	
६	महाराष्ट्र राज्य सहकारी बँक मुंबई येथील अधिकारी व कर्मचारी यांचे जवाब एकूण ------	२३/८/२००२	५	
७	उस्मानाबाद जि.म.स.बँक, नागपुर, जि.म.स.बँक, व मे.होम ट्रेडर्स यांचे म.रा.स.बँक, मुंबई येथील खाते उतारे	-------	९	
८	म.रा.स.बँक, मुंबई यांचे खाते उतारे नोंदी बरोबर असल्याचे प्रमाणपत्र	-------	३	
		एकूण	३८	

येणे प्रमाणे असे

(बी.बी.रेड्डी)
पोलीस निरीक्षक
पोलीस ठाणे उस्मानाबाद शहर.

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उस्मानाबाद

कृषि बँक
नं. ८१७
वॉग नं. २९

सरव्यवस्थापक : २२६१
प्रशासन : २३४२२
हिशोब : २६८०८

उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि.

मुख्य कार्यालय : उस्मानाबाद.

जा.क्र. हिशोब/मुदत ठे/१५०५/०१.०२ दिनांक:- २९.१.२००२

मा. सरव्यवस्थापक
नागपूर जिल्हा मध्यवर्ती सहकारी बँक लि.,
नागपूर

महोदय,

विषय:- आपल्या बँकेच्या ठेवी स्वीकारणे बाबत....

वरील विषयी विनंती की, या बँकेचे मा. चेअरमन यांनी आपल्या बँकेच्या मा. चेअरमन यांचेशी चर्चा केल्या प्रमाणे ही बँक ९ दिवसासाठी ९.सा.द.शे १० टक्के व्याज दराने आपल्या बँकेची रु. ४०.०० कोटीची ठेव स्वीकारण्यास तयार आहे.

कळावे ही विनंती.

सत्य प्रत
उप सरव्यवस्थापक

आपला विश्वासु
सरव्यवस्थापक

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मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

दिनांक - 5.2.2003

D.1781

(चित्र 139)

सेवा,

श्री न्यायाधीश एवं मजिस्ट्रेट,
न्यायालय इलाहाबाद जी० सं० साहब,

विषय: थाना इलाहाबाद (शहर) मुकदमा 106/02
धारा 420 भादवि बनाम अभियुक्त
[illegible]

महोदय: थाना इलाहाबाद (शहर)
पुलिस निरीक्षक
पुलिस थाना इलाहाबाद (शहर)

महोदय,

सविनय सादर निवेदन कि मुकदमा थाना इलाहाबाद (शहर) मुकदमा 106/2002 धारा 420, 409 भादवि बनाम अभियुक्त [illegible] 239934 [illegible] अनाथालय [illegible] सं. बैंक [illegible] पर [illegible] 5॥ अनाथालय दिनांक 22.1.2003 रोजनामचा [illegible] जिला [illegible] अभियुक्त [illegible] बैंक [illegible] सं. बैंक [illegible] व [illegible] कोषागार [illegible] मुकदमा [illegible] 22.1.2003 रोजनामचा 5॥ अनाथालय [illegible] अभियुक्त [illegible]

Order
Production is allowed
5/2/03

थाना [illegible]
पुलिस [illegible]

D/284

जा. क्र. स्था. गु. शा./ 4181 /२००३
पोलीस अधिक्षक कार्यालय
उस्मानाबाद दि. 24 / 7 /२००३

प्रति,
मा. मुख्य न्यायदंडाधिकारी सो,
न्यायालय उस्मानाबाद यांना सविनय सादर

विषय :- पो.ठाणे उस्मानाबाद (शहर) गुरनं. १०६/२००२ कलम ४०६,४०९,४२०
भादवी वगैरे मधील अपहारीत रक्कम २९९९३४५९१=00 रु.वर्ग करणे बाबत.

संदर्भ :- पो.ठाणे उस्मानावाद (शहर) जा.क. /२००३ दि. २२/०१/२००३ अन्वये

रिपोर्ट :- बी.वी.रेडडी पोलीस निरीक्षक स्थागुशा, उस्मानाबाद.

-oOo-

महोदय,

सविनय सादर विनंती की, विषयातील नमूद गुन्हयातील अपहारीत रक्कम २९९९३४५९१=00 रु.वर्ग करणे बाबत आम्ही हु॥. न्यायालयात वर नमूद संदर्भान्वये दि. २२/१/२००३ रोजी अर्ज दाखल केला आहे. ज्याचेवर निर्णय झाला नाही.

अपहारीत रक्कम दिनांक उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅक उस्मानावाद बॅकेची असून सदरची रक्कम हि बॅकेतील गोरगरीब शेतकरी ठेवीदारांची ठेव असून त्यांचे ठेवीतील रकमेतून नमूद अपहारीत रकमेचे व्याज वाढत असून नमूद संदर्भान्वये दिलेल्या अर्जाचे अवलोकन होवून जलदगतीने निर्णय होणेस विनंती आहे.

मा. हु॥. सादर

पोलीस अधिक्षक
स्था. गु. शा. उस्मानाबाद

TRUE COPY
12-3-20
उपनिबंधक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

D 1234 /

पोलीस ठाणे उस्मानाबाद शहर

जा.क. /२००३ दि. २२/१/०३

Ex 131

प्रति,

मा.मुख्य न्यायदंडाधिकारी सो.

न्यायालय, उस्मानाबाद.

यांना सविनय सादर.

विषय : पोलीस ठाणे उस्मानाबाद शहर गु.र.नं.१०६/२००२ कलम २१८, ४०६, ४०९, ४२०, ४६८, ४७१, १२० (ब), ३४ भा.द.वि. मधील अपहारीत रक्कम २९९३४५९१=०० रूपये वर्ग करणे बाबत...

विषयाचे : एस.वी.रेड्डी. पोलीस निरीक्षक पोलीस ठाणे उस्मानाबाद शहर.

महोदय,

सविनय सादर की, विषयातील नमूद गुन्हयांतील फिर्यादी नामे श्री. बळी परसराम राठोड विभागीय सहनिबंधक, सहकारी संस्था लातूर यांनी दि. ८/५/२००२ रोजी पो.स्टे.येथे हजर येऊन लेखी फिर्याद दिली की, उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेची तपासणी करण्याचा अधिकार श्री.लक्ष्मण मारूती पवार विशेष लेखा परिक्षक वर्ग-१ सहकारी संस्था लातूर, यांना दिला होता त्यांनी सदर बँकेची दि. २९/४/२००२ रोजी तपासणी केली, तपासणीत त्यांना नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडून दि. ३१/१/२००२ रोजी महाराष्ट्र राज्य सहकारी बँक मुंबई येथील उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेच्या चालू खाते क्रं.७३/४७०१ वर ३० कोटी रू. जमा करण्यात आले. त्या पैकी २९९९३४५९१=०० रूपये मे.होम ट्रेडर्स वाशी, नवी मुंबई या दलाला मार्फत शासकीय रोखे खरेदी करण्यासाठी दि. १/१/२००२ रोजी देण्यात आले होते. सदरचा व्यवहार बँकेचे चेअरमन भुपालसिंह उर्फ पवन संताजीराव राजेनिबांळकर यांनी फोन वरून केला आहे. त्यांनी रोखे खरेदी करून उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेस पावत्या दिल्या नाहीत व रक्कमही परत आणली नाही. म्हणून २९९९३४५९१=०० रूपयेचा अपहार करून बँकेची फसवणूक केली असे तपासणीत आढळून आले असे लेखी कळविल्याने फिर्याद दिली होती. सदर फिर्यादि वरून नमूद गुन्हा दाखल करून गुन्हयांचा तपास पूर्ण करून दि. १४/९/२००२ रोजी न्यायालयात दोषारोप पत्र क्रं. १५६/२००२ अन्वये दाखल केले आहे. त्याचा कोर्ट केस नं. ३९८/२००२ दि. १४/९/२००२ असा आहे.

गुन्हयांच्या तपासात निष्पन आरोपी संजय हरिराम अग्रवाल चेअरमन, मेसर्स होम ट्रेडर्स, वाशी नवी मुंबई, याने उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेचे चेअरमन भूपालसिंह उर्फ पवन संताजीराव राजेनिबांळकर व इतर यांनी संगनमत करून शासकीय कर्ज रोखे खरेदीच्या खोटया पावत्या देऊन उस्मानाबाद जिल्हा मध्यवर्ती बँकेची २९९९३४५९१=०० रूपयेची फसवणूक केल्याचे तपासात निष्पन झाले आहे.

D.1235

गुन्हयांतील आरोपी संजय हरिराम अग्रवाल हा पोलीस कस्टडी रिमांड मध्ये असताना उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅकेकडून आलेली रक्कम ही नागपूर जिल्हा मध्यवर्ती सहकारी बॅकेत जमा केल्याचे सांगीतले आहे. तसेच महाराष्ट्र राज्य सहकारी बॅक मुंबई येथे खाते पुस्तक लिहीणारे अधिकारी नोंदी घेणारे कर्मचारी यांनी त्यांचे जवाबात सांगितले आहे. उपलब्ध दस्ताऐवज पुरावा व साक्षीदाराच्या तपासणीवरून अपहारीत रक्कम ही नागपूर जिल्हा मध्यवर्ती बॅकेत जमा असल्याचे स्पष्ट झाले आहे. या वरून दि. २८/८/२००२ रोजी आम्ही सि.आर.पी.सी. कलम १०२ प्रमाणे सदरची रक्कम गोठवणे बाबत प्रशासक, नागपूर जिल्हा मध्यवर्ती सहकारी बॅक नागपूर यांना जा.क्र. १६४६/२००२ दि. २८/८/२००२ चे पत्र देऊन रक्कम गोठविली आहे. त्या बाबत दि. ११/११/२००२ रोजी विद्यमान न्यायालयास कळविण्यात आले आहे.

उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅकेतील अपहारीत रक्कम ही कागदोपत्री पुराव्यावरून नागपूर जिल्हा मध्यवर्ती सहकारी बॅकेत जमा आहे गु.र.न.१०६/२००२ कलम २१८, ४०६, ४०९,४२०,४६८, ४७१, १२० (ब), ३४ भादवि.हा गुन्हा न्यायालयात न्यायप्रविष्ट आहे. सदर अपहारीत रक्कम ही बॅकेतील ठेवीदाराची गंतवणूक आहे, ज्यामध्ये ब-याच गोरगरीब जनतेचा पैसा आहे. सदरची रक्कम २९९९३४५९१=०० रूपये नागपूर जिल्हा मध्यवर्ती सहकारी बॅकेतून इकडे वर्ग होऊन जमा करण्याचा आदेश होणेस विनंती आहे.

सोबत सहपत्र :
फेरीस्त प्रमाणे

मा.सादर
(बी.बी.रेड्डी)
पोलीस निरीक्षक
पोलीस ठाणे उस्मानाबाद शहर.

Or

Accused to say.
Issue show-cause notice to NDCC bank as to why said amount should not be ordered to be kept either in court or ODCC Bank 10-10-2-03

22-11-03

Xerox by & Compared by

TRUE COPY
12-8-06
मुख्य न्यायदंडाधिकारी यांचे न्यायालय उस्मानाबाद

D/1320

F/64

In the court of the Hon'ble C.J.M. at Osmanabad

C.C. No. 398/12

State
Vs
Pawan Raje Nimbalkar & others

charge u/sec. 409 of I.P.C.

List of documents

Sr.No	Particulars of documents	Date.
1)	A zerox copy of letter issued by manager of The Mah. State Co-operat. Bank Ltd.	27-Dec-2012

26/3

Date: 26/3/2012

for Accused

(Adv. D.S. Barkhade)

TRUE COPY
12-3-26
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by & Compared by

D/286
Ch 614

पोस्टे उस्मानाबाद शहर
जा. क्र. /२०१४
दिनांक ०८/०४/२०१४

मा. मुख्य न्यायदंडाधिकारी साहेब,
न्यायानय उस्मानाबाद यांना सादर.

विषय - पोस्टे उस्मानाबाद शहर गुरनं १०६/०२ कलम ४०६, ४०९, ४२०, ३४ भादंवि मधील मुददेमाल हस्ताक्षंर तज्ञाकडुन आलेला अभिप्राय मुळ फाईल मध्ये समाविष्ट करणे बावत.

रिपोर्ट - पोलीस निरीक्षक, पोलीस ठाणे उस्मानाबाद शहर.

महोदय,

सविनय सादर विनंती की, उपरोक्त विषयी व संदर्भान्वये सादर विनंती की, पोलीस ठाणे उस्मानाबाद शहर गुरनं १०६/०२ कलम ४०६, ४०९, ४२०, ३४ भादंवि आरसीसी ३९८/०२ दि १४.०९.०२ [illegible] विरुध्द भुपालसिंह मधील घेण्यात आलेले सहयाचे व हस्ताक्षराचे नमुने राज्य दस्तऐवज हस्ताक्षंर तज्ञं औरंगाबाद यांचे कडे तपासणी कामी पाठविण्यात आले होते. सदरचे हस्ताक्षर व सहयाचे नमुने तपासणी होवुन परत आलेले खालील नमुद EX प्रमाणे तपासणी होवुन आलेले आहेत. तरी सदरचे कागदपत्र मुळ फाईल मध्ये समाविष्ट होणेस विनंती आहे.

सोबत -

१) Ex no C ----- ०२
२) Ex no E ----- १२
३) Ex no F ----- १२
४) Ex no F ----- १२
५) Ex no G ----- १२
६) Ex no H ----- ०६
७) Ex no I ----- ०६
८) Ex no J ----- १२

मा. सविनय सादर

Production is allowed.
8/4/2014

पोलीस निरीक्षक
पोलीस स्टेशन उस्मानाबाद(श)

TRUE COPY
12-3-26
सहाय्यक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
&
Compared by

Ex:-691 जप्ती पंचनामा दिनांक 28/04/02

1) दत्तात्रय मोहनराव मोरडे वय ३४ वर्षे धंदा चालक रा. ईदगाह गल्ली उस्मानाबाद

2) बापू विष्णु नागरगोजे वय २२ वर्षे धंदा शेती रा. कौडगाव

आम्हा वरिष्ठ पंचास बी. बी. रेड्डी पोलिस निरीक्षक पोलिस ठाणे उस्मानाबाद (शहर) यांनी रविंद्र बाबुराव जाधव रा. नाबार्ड विभाग उस्मानाबाद यांचे घरासमोर बोलावुन हजर आलेले येथे पोलिसांनी इसमिळे की. पोहे उस्मानाबाद (शहर) गुन्हा नं. 96/2002 कलम २०१, ४२०, ३४ भादंवि गुन्ह्यात वापरलेली इंडिका कार नं MH-25-A 9592 हि जप्त करणे आहे तरी तुम्ही समक्ष हजर राहुन पंचनामा करणे या कामे इसमिळे वरुन आम्ही पंचानी पंचनामा करुन दिले तो खालील प्रमाणे.

सदर ठिकाणी समक्ष हजर असलेले इंडिका कार मालक रविंद्र बाबुराव जाधव रा. उस्मानाबाद यांना सदर कार बाबत विचारपुस करता त्यांनी इसमिळे की इंडिका कार नं MH-25 A 9592 हि माझा मालकीची असुन दि. 30/09/02 रोजी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक कि. उस्मानाबाद यांना मुंबई येथे जाणे करिता माझी इंडिका कार आडवाने दिली. ती हिच कार आहे. कार इसमुन कार दाखवली तीचे वर्णन खालील प्रमाणे

1) 300,000 एक इंडिका कलरचा पांढऱ्या रंगाची कार जि नं MH-25 A 9592 आहे सदर आत्याचा इंजिन नं. 4010-0994-3C08280 aec1-व चेसीज नं. E007 39L 928 4094E असा आहे गुन्ह्यातील किंमत रु.

300,000 =00

येथे प्रमाणे वादि वर्णनाची कार सदर शुक्ल्यात
आणि आरोपी नं-३ माध्वदे यांनी वापरल्याने सदर कार
जप्त करून तोवन घेतली आहे

सदर ठिकाणची चतुःसिमा पाहता - पूर्वेस जगदाळे
वादि यांचे घर आहे. पश्चिमेस दक्षिण उत्तर रोड
दक्षिणेस डॉ हळदे यांचे घर व आग्नेय पूर्व पश्चिम
रोड येथे प्रमाणे चतुःसिमा आहे

वादि पंचनामा आरडी पंचांनी प्रथम पासून
शेवटपर्यंत समक्ष ऐकून साक्षीन दिला तो
बरोबर व खरा आहे.

हा पंचनामा 9000 वा मुद्दा दरम्यान 9004 वा मुद्दा

पंचांचे सह्या

1) डॉ एस भोसले

2) Tanude

सही
पोलीस निरीक्षक
पोलीस उस्मानाबाद (ग्रा)

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सहायक सरकारी वकील
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

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D/23/D

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
OSMANABAD
CRIMINAL CASE NUMBER :398/2002

Exh. 606

STATE OF MAHARASTRA
V/S
PAWAN RAJE NIMBALKAR AND OTHERS

SANJAY AGARWAL
S/O OF HARIRAM AGARWAL
AGED ABOUT 47YEARS ,
OCCUPATION :BUSINESS ,
R/O 7 HARI SABHA STREET ,
KIDDERPORE ,
KOLKATA :70002 .....Applicant

Vs.

State of Maharashtra .....Complainant

WRITTEN SUBMISSIONS ON DRAFT/PROPOSED CHARGES:

The applicant named above most humbly and respectfully submits as under :

Seen. 7/4/14

1. The Investigating Officer (I.O.) had submitted copies of all the Contract Notes pertaining to the dealings in Government Securities between the Complainant and the Accused Company M/s. Home Trade Ltd. On the scrutiny of the Contract Notes the following facts emerge.

i. The Home Trade Ltd. had issued Contract Notes in its capacity as a member of the National Stock Exchange (NSE).

D/23/R

ii. The said Contracts had been issued for the transactions undertaken by M/s. Home Trade Ltd. on "Principal to Principal" basis. It is clearly evident from the Contract Notes that the Counter Party in all these Transactions was "HOMETRADE". It is also evident from the Contract Notes that since Home Trade itself was seller of the Securities it had not Charged any Brokerage to the Buyer namely Osmanabad District Central Cooperative Bank and that why Brokerage column in all the Contract Note is Blank. Thus M/s. Home Trade Ltd has acted as 'Principal' and not as 'Broker'.

iii. Since, M/s. Home Trade Ltd has not acted as 'Broker', no amount has been charged as brokerage in the Contract Notes of the said transactions. M/s. Home Trade's position /role in the instant transactions with the Complainant Bank was clearly communicated to the Bank by M/s Home Trade Ltd in its letter dated 31st January, 2002 , in the very first line of the said letter it was mentioned that Home Trade was a seller.

iv. To clarify further, the members of the Stock Exchange can act in different capacities. A member of the stock exchange can act as (i) Principal owner (ii) Broker (iii) Agent (iv) Jobber/market maker (v) Proprietory-Trader (vi) Arbitrager etc. In each transaction the role of the stock exchange member is decided at the time of entering into

D/2319

the Contract with the counter party and accordingly Contract Notes are being issued to the Counter Party clearly mentioning the status of the member either as principal or as Broker.

vi. The Contract Notes clearly reveal that against the amount received from the Complainant, M/s Home Trade Ltd had agreed to sell securities from its proprietary account. Thus in the instant transaction, M/s. Home Trade Ltd. was neither a broker nor an agent of the Complainant. Hence, the amount paid by the Complainant was not received and/or retained by M/s. Home Trade Ltd in a fiduciary capacity as a trustee (as Broker/Agent) of the Complainant. After the contract notes were executed by M/s. Home Trade Ltd in favour of the Complainant, M/s. Home Trade Ltd was under an obligation to deliver the securities which were purchased by the Complainants under the said contract notes. Thus after receipt of the amount from the Complainant, M/s. Home Trade Ltd became owner of that money and was free to utilize that funds. After entering into the said transactions and issuance of contract notes, the relationship between the Complainant and M/s. Home Trade Ltd. was that of 'Creditor' and 'Debtor'. From the foregoing discussion it is clear that the amount received from the complainant was not to be returned in specie by M/s Home Trade Ltd and M/s. Home Trade Ltd. was entitled to use, the amount in its own business as its own

D/2320

discretion. It is a well settled law that when a relation of 'Debtor' and 'Creditor' alone is created by the bailment of money, a civil liability is created. The criminal liability arises in addition to the civil liability when the beneficial ownership in the property is not transferred to the accused and he is placed under an obligation contractual or otherwise to utilize the money for the specific purpose for which it was handed over to him. In the present case, upon the facts as they appear from the records, a relation of 'Debtor' and 'Creditor' was created between the parties because the amount received from the Complainant at best can be treated as an Advance against goods. The beneficial ownership in the money so advanced to M/s. Home Trade Ltd. was intended to be transferred to it and it could not be said that it was intended that M/s Home Trade Ltd was to keep the money intact in their possession and make no use of it at all. Hence, in view of the foregoing discussion and documentary evidences, the provision of section 406 of IPC cannot be invoked and applied to the instant case. The main ingredients required to attract the provision of Section 405 and 406 of IPC are completely missing in the transactions under consideration, hence, the Petitioner be discharged from the charges of criminal breach of trust.

2. It is pertinent to note that simple cheating is punishable under sec. 417, but where there is delivery or destruction of any property or alteration or destruction of

any valuable security resulting from the act of the person deceiving then section 420 comes into operation. For an offence under this section:

(a) It must be proved that the complainant parted with his property acting on a representation which was false to the knowledge of the accused and that the accused had a dishonest intention at the outset.

(b) The intention to deceive should be in existence at the time when the inducement was made. Mere failure to keep up a promise subsequently cannot be presumed as leading to cheating.

In the F.I.R/ Complaint there is no allegation that the Petitioner had caused any deception. There is nothing in the Complaints to show that the Petitioner caused the Complainant to believe what was false or misleading as a matter of fact or lead them into error. In fact from the Complaints and the prosecution witnesses statements, it is very clear that the Petitioner had not made any representation much less the false representation nor he had ever visited the Complainant. Hence, there is not an iota of evidence against the Petitioner to bring home the offence of cheating.

3. It is pertinent to note that the charge sheet has been filed for the crime committed by the accused

interalia under sections 406, 420 r/w 34 of IPC. It is well settled rule of law that an offence u/s 406 of IPC is in a way "Anti-thesis" of the offence u/s. 420 of IPC. In case for criminal breach of trust, the property is voluntarily kept in the custody of accused and in a case for cheating, the accused by adopting deceitful means induces the Complainant to part with property. Hence, it is well settled rule of law that an accused person can not be tried for the offence of cheating (u/s 420) and criminal breach of trust (u/s 406) in the same trial. The above ratio has be clearly stated by the Punjab and Haryana High Court , by Hon Justice J M Tandon, in the famous Case of P N Sehgal Vs Amar Nath which clearly states that the section 406 and 420 cannot be simultaneously applied . A copy of the judgment is annexed alongwith the application.

As far as the Petitioner is concerned, from the charge sheet papers it is clear beyond doubt that he has not made any representation of whatsoever nature to the Complainant. Hence, there is no evidence in the charge sheet to proceed against the Petitioner u/s. 420 r/w 34 of IPC.

3. The "Securities and Exchange Board Of India (SEBI)" had addressed one letter dated 9.8.2002 to Shri B.B.Porate, Dy. Superintendent of Police, State CID, Nagpur. In the said letter Deputy General Manager,

Secondary Market Department, SEBI had confirmed that M/s Home Trade Ltd. has been registered as a Stock Broker on Pune Stock Exchange (PSE), The Stock Exchange, Mumbai (BSE), National Stock Exchange of India Ltd. (NSE) and OTC Exchange of India (OTCEI). In addition to the said letter there is one more letter dated 7th October, 2002 addressed by Public Debt Office, Reserve Bank Of India to Shri K. B. Bele- Deputy Superintendent of Police, State CID (Crime), Nagpur. In the said letter it is confirmed by RBI that M/s. Home Trade Ltd is registered in RBI's books for its dealing in Government Securities vide registration No.6-H/82. Copies of the letters are marked as **Exs____and_____.**

From the said letter it is clear that the Contract Notes issued by M/s. Home Trade Ltd., as a member of National Stock Exchange to the Complainant were valid and enforceable.

4. From the above it is clear that no prima facie case can be made out against the Applicant u/s 406 r/w.34 and/or u/s 420 r/w 34 Of IPC.

5. In the charge sheet the Prosecution has relied upon the statement of Shri Sahebrav Manikrao Patil- employee of the Osmanabad District Central Cooperative Bank recorded by IO on 12.05.2002. From the statement it appears that the said PW was present on 31.01.2002 to

D/2324

01.02.2002 in Mumbai and in Maharashtra State Cooperative Bank, Fort Branch where the entire transaction between the ODCC Bank and M/s. Home Trade took place. As per the said PW on 1.2.2002 the ODCC Bank transferred Rs.30 crores into the account of M/s Home Trade Limited. It is further stated in his statement that after completing the money transaction with Home Trade, around 5.30 in the evening PW and Shri Malavade went to the Home Trade's office at Vashi New Mumbai. In the Home Trade's office they were given 5 Government Securities receipts aggregating to Rs. 29,99,34,591/- and one cheque of Rs.65,409/-. After receiving the said receipts and cheque they left Home Trade's Vashi office around 7.30-8.00 p.m. and from their they left for Osmanabad.

From the statement of the above PW it is very clear that the alleged offence of Cheating was completed during the Banking Hours on 1.2.2002 with the transfer of Funds into the Account of Home Trade Ltd at Fort Mumbai. Whereas the alleged forgery for cheating was committed between 5.30 p.m. to 7.30/8.00 p.m. at Vashi. Hence, to attract the provision of section 468 r/w 34 I.P.C. it has to be prima facie established that the documents were prepared before the alleged offence of cheating was committed. From the PW's statement it is very clear that first the alleged cheating was committed and

subsequently the allegedly forged receipts were prepared and used by handing over the same to the PW.

It would also be appropriate to clarify that the PW has completely misread the documents handed over to him at Vashi Office. The Documents claimed to be forged receipts are actually not the receipts but they are contract notes issued by M/s. Home Trade Ltd to Osmanabad Central Co-op. Bank Ltd.

6. Section 34 of IPC will not be attracted unless, first, it is established that a crime has been committed by several persons, second, that there was a common intention and a pre-arranged plan to commit an offence and third that there was a participation in the commission of the offence in furtherance of that common intention. In order to attract S.34 it is essential that several accused participate not only in design but also in action. For application of S. 34 IPC there should be prior meeting of mind and it must precede the criminal act and further there should be participation of all in furtherance of that common intention. It may be found that S.34 has used the expression criminal Act and not offence. The emphasis in S.34 is on the word "DONE". There can be a criminal act which cannot be cojointly committed by several persons e.g. forgery. In such a situation S.34 does not apply. If in such a case the criminal act is done by

D/2326

several persons it amounts to a repetition of the Criminal Act.

If the Act itself is not an offence S.34 goes out of the way. To constitute common intention it is necessary that the intention of each one of them was known to the rest of them and was shared by them. The Supreme Court has held that it is the essence of the section that the person must be physically present at the actual commission of the crime.

The accused must be physically present at the scene of the occurrence and must actually participate in the commission of the offence in some way or other at the time crime is actually being committed. The Leading features of this section is the element of participation in action and common intention. Two elements are necessary to fulfill the requirement of S.34. One is that the person must be present on the scene of occurrence and the second is that there must be a prior concert or a pre-arranged plan. Unless these two conditions are fulfilled, a person cannot be held guilty of an offence by the operation of S.34.

From the above it is clear that in the present case S.34 of IPC will be not be attracted as neither the FIR nor the PWs' statements show presence or participation of the accused applicant.

7. In the entire chargesheet there is not a single ingredients to attract the offence u/s.465 and 471 r/w 34 of IPC.

8. In the entire chargesheet there is not a single ingredients to attract the offence u/s.120-B of IPC.

9. HENCE IT IS PRAYED:

a. The Applicant be discharged from the present case from all the charges.

b. To grant any other relief deemed fit and proper in the facts and circumstances of the case

Accused Applicant No 7
Sanjay Hariram Agarwal

Date : 5th April ,2014

Advocate Milind S Patil
Osmanabad

Adv. B. R. Mane
Osmanabad

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उस्मानाबाद

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कृषि बँक
नं. ८९७
पो. बॅग नं. २९

सरव्यवस्थापक : २२६९१
प्रशासन : २३४२२
हिशोब : २६८०८

उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक लि.

मुख्य कार्यालय : उस्मानाबाद.

जा. क्र. हिशोब/मुदत बे/११७५/०१.०२ दिनांक :- २९.१.२००२

मे. सरव्यवस्थापक,
नागपूर जिल्हा मध्यवर्ती सहकारी बँक लि.,
नागपूर

महाशय,

विषय :- आपल्या बँकेच्या ठेवी स्वीकारणे बाबत....

वरील विषयी विनंती की, या बँकेचे मा. चेअरमन यांनी आपल्या बँकेच्या मा. चेअरमन यांचेशी चर्चा केल्या प्रमाणे ही बँक द.सा.द.शे १० टक्के व्याज दराने आपल्या बँकेची रु. ४०.०० कोटीची ठेव स्वीकारण्यास तयार आहे.

कळावे ही विनंती.

आपला विश्वासु

सरव्यवस्थापक

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सरव्यवस्थापक
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उस्मानाबाद

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मुख्यालय उस्मानाबाद

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759

जा.क्र.प्रशासन/ ५४ /०२.०३ दिनांक:- २.४.२००२

प्रति

म.न.वि.वि.

विषय:- संचालक मंडळाची सभा

बँकेच्या मा.संचालक मंडळाची सभा दिनांक ९.४.२००२ रोज मंगळवार या दिवशी दुपारी ठिक १.०० वाजता बँकेच्या उस्मानाबाद येथिल सभागृहात मा.चेअरमन श्री.पवन राजेनिंबाळकर यांचे अध्यक्षतेखाली खालील विषयावर चर्चा करणेसाठी बोलावण्यांत आलेली आहे. तरी सर्व सदस्यांनी सदर सभेस वेळेवर उपस्थित राहवे ही विनंती.

- : सभे पुढील विषय : -

विषय क्र.१:- दि ११.३.२००२ रोजी झालेल्या मा.संचालक मंडळ सभेचे इतिवृत वाचून कायम करणे.

विषय क्र.२:- माहे फेब्रुवारी २००२ अखेरच्या ताळेबंद पत्रकास व सदर महिन्यात झालेल्या खर्च पत्रकास मान्यता देणे.

विषय क्र.३:- माहे फेब्रुवारी २००२ या महिन्यातील तरती जिंदगी व सांपत्तिक स्थितीची नोंद घेणे.

विषय क्र.४:- ठेविच्या तारणावर दिलेल्या कर्जास मान्यता देणे.

विषय क्र.५:- मयत खातेदारांच्या ठेविच्या रक्कमा त्यांचे वारसास अदा करणे बाबत विचार करणे.

विषय क्र.६:- शाखा अंतर्गत रु. १०.०० लाखापेक्षा ज्यादा वाढलेल्या रोकड शिल्लकेस मान्यता देणे बाबत विचार करणे.

विषय क्र.७:- ब्लँकेट इन्शुअरन्स पॉलीसीच्या प्रिमियमची अदा केलेल्या रक्कमेस उ-तरकृति मान्यता देणे बाबत.

विषय क्र.८:- ठेवीवरील व्याजदरा बाबत विचार करणे.

विषय क्र.९:- मुदतठेवीवर द्यावयाच्या व्याजातुन आयकर कायदा कलम १९४[अ] अन्वये करावयाच्या आयकर कपाती बाबत पुर्नविचार करणे.

विषय क्र.१०:-बिगर शेती सह संस्थाच्या मंजूर कॅ.क्रे.कर्ज प्रकरणास उ-तरकृति मान्यता व नुतनीकरणास मान्यता देणे व आलेल्या कर्ज मागणी प्रस्ताव मंजुरी बाबत विचार करणे.

२...

विषय क्र. ११:- सालसन २००२.०३ या हंगामात ऊस व इतर बागायत पिकासाठी मंजुर केलेल्या पुरवणी क.म.पत्रकास व सन २००१ ते ०३ साठी मंजुर केलेल्या नियमित क.म.पत्रकास उ-तरकृति मान्यता देणे बाबत.

विषय क्र. १२:- राष्ट्रीय कृषि विमा योजना रब्बी हंगाम ९९.२००० अंतर्गत ऊस पिकासाठी मिळालेल्या नुकसान भरपाई बाबत विमा कंपनीकडुन आलेल्या पत्राची नोंद घेणे.

विषय क्र. १३:- सक्यूलिटरी ठरावास मान्यता देणे.

विषय क्र. १४:- प्रकल्पांतर्गत मंजुर कर्ज प्रकरणांना मुदतवाढ देणे व नव्याने आलेले प्रस्तावाचे मंजुरी बाबत विचार करणे.

विषय क्र. १५:- माहे मार्च २००२ अखेर झालेल्या कर्ज वसुलीची नोंद घेणे.

विषय क्र. १६:- शाखा जागा मालकाकडुन आलेल्या अर्जावर व विचार करणे.

विषय क्र. १७:- मुख्यालय इमारतीवर "न्यूआॅन" या बँकेच्या नांवाचा विद्युत बोर्ड बसविणे संदर्भात मागविलेल्या निविदा दराचा विचार करणे.

विषय क्र. १८:- शाखा स्तरावरील कालबाह्य फार्मसिल स्टाॅक निलेखित करणेस मान्यता मिळणे बाबत.

विषय क्र. १९:- श्री. एम.आर. देशमुख ज्ये. तपा यांच्या विरुद्ध पोलीस स्टेशन परांडा येथे गुन्हा दाखल झाल्याने त्यांच्या विरुद्ध सेवानियमातील तरतुदीनुसार कार्यवाही करणे बाबत विचार करणे.

विषय क्र. २०:- रु. ५०००/- वे वरील खर्चाची बिले मंजुरी बाबत विचार करणे.

विषय क्र. २१:- आयत्या वेळच्या विषयावर मा. चेअरमन साहेब यांच्या परवानगीने विचार करणे.

आपला विश्वासू

प्रसरव्यवस्थापक

उस्मानाबाद जि. म. बँ. उस्मानाबाद

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पंच

1) कुमार बाबुराव ओहाळ वय 31 वर्षे धंदा मजूरी रा. आंबेडकर मिसनगर उस्मानाबाद.

2) अमर बळीराम फिरदत्त वय 32 वर्षे धंदा शेती रा. आनंदनगर उस्मानाबाद.

आम्ही वरील पंचायत पोलीस निरीक्षक बी. बी. रेड्डी पोलीस ठाणे उस्मानाबाद (शे) पोलीस ठाणे उस्मानाबाद (शे) येथे खोटेपणा-[illegible] आम्ही पंच हजर आलो. येथे पोलीसांनी कडविण [illegible] पोलीस ठाणे उस्मानाबाद (शे) गुन्हा नं. 106/02 कलम 406, 409, 420, 34 भादवी प्रमाणे आरोपी नामे आण्णा भीमराव देशपांडे सेवानिवृत्त सरव्यवस्थापक उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक (म) उस्मानाबाद हमु. रिंग रोड तानुर यांचे गुन्ह्याचे तपासकामी हजारीर व सहया घेण्याचे आहे असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे आण्णा भीमराव देशपांडे यांचे एकंदर सहा कागदावर पोलीस तपासाचे क्रमवार आणी आमचे समक्ष सांगितल्याने मजकूर चरकुशीने लिहीला. त्या प्रत्येक (6) कागदावर आमची सहया केल्या.

तसेच आरोपी नामे आण्णा भीमराव देशपांडे यांच्या सहा कागदावर सहा सहया नमुना बदल घेण्यात आल्या त्या सहा कागदावरही आमची पंच म्हणून सहया केल्या आहे.

हा पंचनामा आमची पंचाची प्रथमपासून शेवटपर्यंत हजर राहून करून दिला-ती बरोबर व खरा आहे.

हा पंचनामा 0800 ला सुरु करून 0900 ला संपविला

पंचाच्या सहया

1) कुमार ओहाळ

2) [illegible]

सही

पोलीस निरीक्षक,
पो. ठाणे उस्मानाबाद (शे).

Ex:- 694(2) पंचनामा दि. 06.06.2002

पंच (28)

1) कुमार बाबुराव ओहाळ वय 31 वर्षे धंदा मजुरी रा. आंबेडकर चौक मिसगार उस्मानाबाद.

2) कुमार बसवराज किरवले वय 32 वर्षे धंदा शेती रा. आनंदनगर उस्मानाबाद.

आम्हावरील पंचास पोलीस निरीक्षक बी. बी. रेड्डी पोलीस ठाणे उस्मानाबाद (शि) यांनी पोलीस ठाणे उस्मानाबाद (शि) येथे बोलावले वरून आम्ही पंच हजर आलो. येथे पोलीसांनी एकाविरुद्ध कर्ज, पोलीस ठाणे उस्मानाबाद (शि) गुन्हा 106/02 कलम 406, 409, 420, 34 फौजदारी गुन्ह्यातील आरोपी विनायक दिगंबरराव माळवदे उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँक (म.) उस्मानाबाद मुख्याधिकारी (हिशोब) रा. पटेल चौक तामूर यांचे गुन्ह्याचे तपासकामी हजाऱ्यात व सह्या घेण्याचे आहे. असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे विनायक दिगंबर माळवदे यांने एकूण सहा कागदावर पोलीस तपासीक संमतीदार यांनी आमचे समक्ष सांगितल्यावरून मजकूर लिहून घेतला तसेच प्रत्येक (6) कागदावर आम्ही सह्या केल्या.

तसेच आरोपी नामे विनायक दिगंबरराव माळवदे यांच्या सहा कागदावर सहा सह्या नमूना म्हणून घेण्यात आल्या. त्या कागदावरही आम्ही पंच म्हणून सह्या केल्या आहेत.

हा पंचनामा आम्ही पंचानी प्रथमपासून शेवटे पर्यंत हजर राहून करून दिला तो खरोखर व रास्त आहे.

पंचनामा 0905 वा. सुरु करून 1000 वा. संपविला

पंचाच्या सह्या

1) कुमार ओहाळ 2)

पोलीस निरीक्षक
पो. ठा. उस्मानाबाद (शि).

694(3) पंचनामा दि. 06.06.2012

CR 288

पंच

1) कुमार बाबुराव उईके वय 31 वर्षे धंदा शेती
रा. मजूरी रा. शांतीचौक मिलनगर उल्हासनगर

2) अमर बसंतराव किरदत्त वय 32 वर्षे धंदा शेती
रा. आनंदनगर उल्हासनगर.

आम्हा वरील पंचास पोलीस निरीक्षक श्री. वी. डी. पोलीस ठाणे उल्हासनगर (मा.) यांनी पोलीस ठाणे उल्हासनगर (मा.) येथे बोलावून आम्ही पंच हजर आणले. येथे पोलीसांनी कळविले की, पोलीस ठाणे उल्हासनगर (मा.) गुन्हा नं. 106/02 कलम 406, 409, 420, 34 भादवी मधील आरोपी हरिश्चंद्र काशीनाथ गांधे - मुख्याधिकारी (निवृत्त) उल्हासनगर जिल्हा मध्यवर्ती सहकारी बँक (मा.) उल्हासनगर हमु. आकुळगर कुंभ ता. मुरबाड जि. उल्हासनगर यांचे गुन्ह्याचे तपासकामी हजारी (व) नमुना नंबर 1 घेण्याचे आहे. असे सांगितल्यावरून आम्हा पंचासमक्ष आरोपी नामे हरिश्चंद्र काशीनाथ गांधे यांने एकदर सदर कागदावर पोलीस तपासाकरिता अंमलदार यांनी आमचे समक्ष सांगितलेल्या मजकूर स्वहस्ताक्षरात लिहिले तसा प्रत्येक (6) कागदावर आम्ही सही केली.

तसेच आरोपी नामे हरिश्चंद्र काशीनाथ गांधे यांच्या सदर कागदावर सही नमुना बद्दल घेण्यात आलेल्या त्या सदर कागदावरही आम्ही पंच म्हणून सही केली आहे.

हा पंचनामा आम्ही पंचांनी प्रथम पासून शेवटपर्यंत एकत्र राहून करून दिला तो बरोबर वाचला आहे.

हा पंचनामा 1005 ना. मुंबई कलम 1100 बी.एन.एस.एस.

पंचांची सही

1) कुमार उईके

2) Bilam

पोलीस निरीक्षक,
पो. ठाणे उल्हासनगर (मा.).

694(4) पंचनामा दि. 06.06.2002

पंच

1) कुमार बाबुराव ओहळ वय 30 वर्ष धंदा मजूरी रा. गांधी चौक औसा, उस्मानाबाद.
2) अमर वसंतराव किरदत्त वय 32 वर्ष धंदा शेती रा. आनंदनगर उस्मानाबाद.

आम्हा वरील पंचास पोलीस निरीक्षक, एस.सी.बी. पुणे पोलीस ठाणे उस्मानाबाद (मा) यांनी पोलीस ठाणे उस्मानाबाद (मा) येथे गुन्हा क्र. 106/02 कलम 406, 409, 420, 34 भादवी मध्ये आरोपी नामे रमेशराव काकुराव मोरे मुख्याधिकारी (प्रशासन) उस्मानाबाद जिल्हा परिषद तत्कालीन बीडीओ (म) उस्मानाबाद यांचे गुन्ह्यातील तपासकामी हजारे व नमूना तक्ता घेण्याचे आहे असे सांगितल्यावरून आम्ही पंचासमक्ष आरोपी नामे रमेशराव काकुराव मोरे यांचे एकंदर तक्ता कागदावर पोलीस तपासणीस हजर यांनी आमचे समक्ष सांगितलेल्या मजकूर स्वहस्ताक्षरात लिहिला. त्या प्रत्येक (6) कागदावर आम्ही तक्ता केला.

तसेच आरोपी नामे रमेशराव काकुराव मोरे यांच्या तक्ता कागदावर तक्ता नमूना व्यतिरिक्त घेण्यात आलेल्या तक्ता कागदावरही आम्ही पंच म्हणून तक्ता केला आहे.

हा पंचनामा आम्ही पंचांनी मुद्दाम वाचून अचूक असून हकीकत बरोबर असे खरा आहे.

हा पंचनामा 1105 वा. सुरु करून 1200 वा. संपविला.

पंचाचे तक्ता

1) कुमार ओहळ
2)

पोलीस निरीक्षक
पो. ठा. उस्मानाबाद (मा).

TRUE COPY
सहायक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद
Xerox by & Compared by

कॅंप मुंबई

दि. 1-10-2002

जप्ती पंचनामा

EXHIBIT — 503

C/398

पंच (1) विलास आनंदराव कांबळे वय 54 वर्षे धंदा - नौकरी रा. मिलिंदसागर स. गृह संस्था जवळ रोड मुलुंड पूर्व मुंबई.

(2) प्रकाश बापुराव रुद्रवार वय 57 वर्षे धंदा नौकरी रा. ए. 30 मधुबन अपार्टमेंट गुप्ते रोड डोंबिवली पश्चीम जि. ठाणे

आम्हा वरील पंचास एस. डी. बोंग सहायक पोलीस निरीक्षक स्थानीक गुन्हे शाखा उस्मानाबाद यांनी महाराष्ट्र राज्य सहकारी बँक मुख्य कार्यालय मुंबई येथील हिशोबनीस डी. व्हि. डी. ओसले यांचे कार्यालयात बोलावून कळविले की. पो. स्टे. उस्मानाबाद शहर गु. र. नं. 106/200 कु. 406. 409 420 भा.दं.वि. या गुन्ह्याचे तपासकामी आवश्यक असणारे रेकॉर्ड डी. व्हि. डी. ओसले हिशोबनीस हे हजर करतात तरी आपण समक्ष हजर राहुन दिसल्या परिस्थितीचा पंचनामा करुन द्या असे कळविले वरुन आम्ही पंच पंचनामा करुन देतो तो खालील प्रमाणे आहे.

यावरुन समक्ष हजर असलेले डी. व्हि. डी. ओसले हिशोबनीस यांनी खालील प्रमाणे रेकॉर्ड हजर केले.

(1) 00 = 00 एक लहान साईजचे हिरव्या रंगाचे फिक्डीट व्हाउचर 50 कोटी रुपयाचा ओरीजनल दि. 31-1-2002 असलेली

(2) 00 = 00 दि. 31-1-2002 रोजी नागपूर जिल्हा सहकारी बँकेकडुन आलेला फॅक्स मेसेज

पंच (1) (2)

समक्ष सि. पी. किंदे स.पो.नि. उस्मानाबाद कॅंप मुंबई

दि. 31-1-2002 चा झेरॉक्स प्रत.

(3) 00=00 दि. 31-1-2002 चे नागपूर जिल्हा मध्यवर्ती बँकेचे नावे टाकण्यात आलेले रु. 20 कोटी चे डेबिट व्हाउचर संख्या एक.

(4) 00=00. एक दि. 31-1-2002 रोजी नागपूर जिल्हा मध्यवर्ती बँकेकडून आलेला रुपये 20 कोटीचा फॅक्स मेसेजचा झेरॉक्स सारखे दिसते.

(5) 00=00. एक दि. 31-1-2002 रोजी नागपूर जिल्हा मध्यवर्ती बँकेस जावे टाकण्यात आलेले रुपये 30 कोटी डेबीट व्हाउचर ओरीजनल

(6) 00=00 एक फॅक्स मेसेज दि. 31-1-2002 रोजीचा नागपूर जिल्हा बँकेस जावे राकुन उस्मानाबाद जिल्हा मध्यवर्ती बँकेस रु. 30 कोटी जमा देणे बाबतचा फॅक्स मेसेज झेरॉक्स प्रती सारखे दिसते.

(7) 00=00 एक डिबीट व्हाउचर दि. 31-1-2002 तारीख असलेले नागपूर जिल्हा मध्यवर्ती बँकेच्या खात्यास जावे टाकण्यात 138 रुपयाचे इंक कॉस्ट चॉर्जेसचे डिबीट व्हाउचर ओरी.

(8) 00=00 एक डिबीट व्हाउचर दि. 31-1-2002 चे नागपूर जिल्हा मध्यवर्ती बँकेच्या खात्यास जावे टाकण्यात आलेले 42 रुपयाचे इंककॉस्ट चार्जेस डिबीट व्हाउचर ओरीज

पंच (1) (2)

नमूना नं. 55 अ.नि. उस्मानाबाद कैफ. कुर्बान

(9) 00 = 00 एक डिबीट व्हावचर दि. 1-2-2002 रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बँकेच्या स्वात्यास नावे टाकण्यात आलेले रुपये 30 कोटीचे डेबीट व्हावचर ओरीजनल.

(10) 00 = 00 एक फॅक्स मेसेज दि. 1-2-2002 नागपूर जिल्हा मध्यवर्ती सहकारी बँकेकडुन रु. 30 कोटी मुंबई येथुन नागपूर येथील त्याचे स्वात्यास वर्ग करण्याबाबतचा फॅक्स मेसेज.

(11) 00 = 00 एक डिबीट व्हावचर दि. 1-2-2002 चे नागपूर जिल्हा मध्यवर्ती बँकेचा स्वात्यास रुपये 421 = 50 पैसे (डी.डी. कमीशन) नावे टाकण्याचे डेबीट व्हावचर ओरीजनल.

(12) 00 = 00 एक पे इन स्लिप दि. 1-2-2002 ची नागपूर जिल्हा मध्यवर्ती सहकारी बँकेने एमच्या चालु खाते क्र. 5751 ला रुपये 29,99,99,766 = 67 पैसे चेक द्वारे जमा केलेची पे इन स्लीप ओरीजनल.

(13) 00 = 00 एक डिबीट व्हावचर दि. 1-2-2002 चे नागपूर जिल्हा मध्यवर्ती बँकेचा स्वात्यास रुपये 4249854 रुपये नावे टाकले बाबत डिबीट व्हावचर ओरीजनल

(14) 00 = 00 एक फॅक्स मेसेज दि. 1-2-2002 रोजी नागपूर जि. म. बँकेकडुन रुपये 4249854 रुपये MSEB ला [illegible] फॅक्स मेसेज

C/401

(15) 00=00 एक क्रिडीट व्हावचर ओरीजनल दि. 31-1-2002 रोजी उस्मानाबाद जि.म.स. बँकेस रु. 1,13,306 रुपये जमा दिल्या बाबतची क्रिडीट व्हावचर

(16) 00=00. एक क्रिडीट व्हावचर ओरीजनल दि 31-1-2002 रोजी उस्मानाबाद जि.म.स बँकेचा खात्यास रु. 12453 इतकी रक्कम जमा दिल्या बाबतची क्रिडीट व्हावचर

(17) 00=00 एक डेबीट व्हावचर ओरीजनल दि 31-1-2002 रोजी उस्मानाबाद जि.म.स बँकेस रु. 10 रुपये जावे टाकल्यात आलेले स्टाफ पेमेंटचे डेबीट व्हावच

(18) 00=00 एक क्रिडीट व्हावचर ओरीजनल दि 31-1-2002 रोजी उस्मानाबाद जि.म.स बँकेस जामगाव जि.म.स. बँकेकडुन वर्ग करण्यात आलेले रुपये 30 कोटीचे क्रिडीट व्हावचर

(19) 00=00 एक ओरीजनल चेक नं. 027623. रक्कम रु. 3537.00 उस्मानाबाद जि.म.स. बँकेने जांदेड जि.म.स बँकेस दिलेला चेक दि 14-12-2001

(20) 00=00 एक ओरीजनल चेक नं. 623741 दि. 15-1-2002 चा रक्कम 51039 रु. चा उस्मानाबाद जि.म.स. बँकेने जांदेड जि.म.स. बँकेस दिलेला चेक

पंच 1 2

आगमन अर्जदार निरी. मार्फत उस्मानाबाद मुंबई

पान 5 वर

जप्ती पंचनामा चार्ज दि. 1-10-2002

C/402

(21) 00=00 एक ओरीजनल डेबीट व्हाउचर दि. 1-2-2002 चे उस्मानाबाद जि. म. स. बँके खात्यास रुपये 30 कोटी जावे टाकुन होम ट्रेड का रक्कम वर्ग करण्याबाबत डेबीट व्हाउचर.

(22) 00=00. एक टेलीफोनीक मेसेज दि. 1-2-2002 रोजी 11.55 वाजता श्री. एच. के. तोबे उस्मानाबाद जि. म. स. बँक यांचेकडुन रुपये 30 कोटी होम ट्रेड यांचे खात्यावर वर्ग करण्याबाबतचा मेसेज.

(23) 00=00 एक डेबीट व्हाउचर दि. 1-2-2002 रोजी उस्मानाबाद जि. म. स. बँक यांचे खाती रु. 4,28700 रक्कम जावे टाकुन MSEB का जमा करण्याबाबतचे ओरीजनल डेबीट व्हाउचर

(24) 00=00 एक फॅक्स मेसेज उस्मानाबाद जि. म. स. बँकेकडुन दि. 1-2-2002 रोजी रु. 428700 रक्कम जावे टाकुन MSEB का जमा केल्याबाबतचा फॅक्स मेसेज झेरॉक्स सारखा दिसतो

(25) 00=00 एक ओरीजनल डेबीट व्हाउचर दि 12-1-2002 रोजी मे. होम ट्रेड लि यांचे खाती रु. 6000 रु. (सर्व्हीस चार्जेस) जावे टाकलेचे डेबीट व्हाउचर.

(26) 00=00 एक दि. 11-1-2002 रोजी मे. होम ट्रेड यांनी त्याचे खात्यास सर्व्हीस [illegible] खोबतचे मुळ पत्र

तसेच होम ट्रेड कडील फॅक्समेसेज एकुण सख्या 2. C/403

(27) 00=00 एक क्रेडीट व्हाउचर दि. 1-2-2002 रोजी मे. होम ट्रेड लि. यांचे रुपये 30 कोटी उस्मानाबाद जी.म स. बँकेकडुन जमा करण्या बाबतचे क्रेडीट व्हाउचर ओरीजनल.

(28) 00=00 एक चेक न. 695177 ची डेरॉक्स कॉपी रुपये 29999976 60 पैसे रुपये रक्कमेचा होम ट्रेट मार्फत नागपुर जी.म. स. बँकेस दिलेला.

(29) 00=00 एक डेबीट व्हाउचर दि. 1-2-2002 रोजी मे. होम ट्रेड लि. यांचे खाती रु. 3000 रु. (सर्व्हीस चार्जेस) जावे टाकण्यात आलेले ओरीजनल डेबीट व्हाउचर

(30) 00=00 एक ओरीजनल चेक न. 695178 रुपये 65409=73 पैसे दि. 1-2-2002 मे. होम ट्रेड यांनी उस्मानाबाद जी. म. स. बँकेस दिलेला मुक्त चेक.

(31) 00=00 एक ओरीजनल चेक न. 695182 रुपये 24,400=02 दि. 4-2-2002 मे. होम ट्रेड लि. यांनी नागपुर जी. म. स. बँकेस दिलेला मुक्त चेक

जप्ती पंचनामा पान 7 दि. 1-10-2002

C/404

वरील प्रमाणे एकुण 32 कागदपत्रे मी, पिंडी ओसले हिशोबनिस महाराष्ट्र राज्य सहकारी बँक मुख्य कार्यालय मुंबई यांनी हजर केलयाने एस डी बांगर सहा. पो. निरीक्षक यांनी ते आमचे समक्ष जप्त केले त्या प्रत्येक कागदावर आम्ही पंचानी व एस डी. बांगर यांनी सह्या केलया आहे त्यानंतर एस.डी बांगर यांनी सदर रेकॉर्ड ताब्यात (गुन्हयाचे तपासकामी) घेण्यात आले आहे.

वरील पंचनामा आम्ही पंचानी सुरवातीपासुन शेवटपर्यंत समक्ष हजर राहुन करुन दिला तो आम्हास वाचुन दाखविला असुन बरोबर आहे.

सदर जप्ती पंचनामा आज दि. 1-10-2002 रोजी 12.30 वाजता सुरु करुन 14.00 वाजता संपविला आहे.

पंच (1)

समक्ष

(2)

(एस. डी. बांगर)
सहा. पोलीस निरीक्षक
आर्थिक गुन्हे शाखा
मुंबई कॅम्प मुंबई

पंचनाम्याची एक प्रत आज दि 9-10-02 रोजी मिळाली

TRUE COPY
29-12-26
सहायक पोलीस निरीक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय

Xerox by & Compared by

Reg.Criminal Case No. 398/2002
State Vs. Pawanraje & ors.
Exh.No. 1015

Statement of accused No. 9 under section 313 of the Code of Criminal Procedure, 1973

Name of accused : Nandkishor Shankarlal Trivedi
Age : 58 Years
Occupation : Advocate
Resident of - 6 Khandbhai Desai Road, Ville Parle(W), Mumbai-56

Q.1 You are not liable to any punishment if you refuse to answer or give false answers to the questions now put to you. The answers given by you may be taken into consideration in this trial. Do you understand this ?

Ans. Yes

Q.2 Have you heard the evidence of prosecution?

Ans. Yes

Q.3 It has come in the evidence of informant P.W. 1 Baliram Parasram Rathod that, on 26/4/2002 he was working as Divisional Joint Registrar, Co-operative Societies, Latur Division, Latur. His duty was to inspect the working of, supervision and control and to inspect the record and give the guidance to the co-operative societies in four districts existing in his division. What you have to say about it?

Ans. It is false

Q.4 It has further come in his evidence that, on 26/4/2002 the letter was given to the Special Auditor (Bank) requesting to inspect the account of District Central Co-operative Bank, Osmanabad on certain points and to give the report as news paper and media has reported about the fraud and misappropriation of money in District Central Co-operative Bank, Osmanabad. What you have to say about it?

Ans. It is false.

Q.5 It has further come in his evidence that, the said letter was issued to one L.M.Pawar, Special Auditor (Bank). Accordingly, the said Pawar inspected account of the bank and submitted the report. Thereafter he submitted the report to us. What you have to say about it?

Ans. It is false.

Q.6 It has further come in his evidence that, in the said report it was mentioned that the bank has committed the fraud and misappropriation of the amount of Rs. 29,99,34,591/-. The said report was submitted to them on 29/4/2002. Thereafter he submitted a report (Exh. 677) to the City Police Station, Osmanabad. Report bears his signature and it's contents are true. What have you to say about it?

Ans. It is false

Q.7 It has further come in his evidence that, he had also submitted the inspection report with the said complaint. The said report bears the signature of Pawar and its contents are correct. What you have to say about it?

Ans. It is false

Q.8 It has further come in his evidence that, the Divisional Joint Registrar, Co-operative Society, Latur had given the authority letter on 8/5/2002 to him to file the complaint. The said authority letter is at Exh.678 and its contents are correct. What you have to say about it?

Ans. It is false

Q.9 It has further come in his evidence that, on 29.04.2002 he was working as Divisional Joint Registrar Co-Operative Society Latur Division at Latur. At that time he had issued letter dt. 26.04.2002 to Spl. Auditor Bank Latur Division namely Shri. L.M.Pawar for submitting Special Report on the audit report submitted by Osmanabad District Central Co-Operative Bank. What you have to say about it?

Ans. It is false

Q.10 It has further come in his evidence that, according to the said letter Shri. Pawar had submitted Spl. Audit Report on 29.04.2002. In the said report it was mentioned that there was misappropriation of Rs. 29 Crores in Osmanabad District Central Co-Operative Bank. The report dt. 29.04.2002 bears signature of Spl. Auditor L.M.Pawar. Mr. L.M.Pawar is dead. He recognized the signature (Exh. 945) of L.M.Pawar on the Spl.Audit Report. What you have to say about it?

Ans. It is false

Q.11 It has come in the evidence of P.W. 2 Daji Dattu Karwar that, on 18.05.2002 police called him in the City Police Station. Another panch Chandrashekhar Chougule was with him. In the police station one More of D.C.C. Bank was present with papers. P.I. Reddy prepared the panchanama (Exh.684). Panchanama was read over to him and thereafter he signed the panchanama. The panchanama (Exh.684) bears his signature and its contents are true. What you have to say about it?

Ans. It is false

Q.12 It has further come in his evidence that, Article A-1 to A-34 shown to him were produced by the More before the police. All the papers bears his signature. What you have to say about it?

Ans. It is false

Q.13 It has come in the evidence of P.W. 3 Dattatraya Mohanrao Bhosale that, on 28.05.2002 police called him in Tambri area near the house of Jadhav. P.I. Reddy was present there. One Jadhav was present there. Another panch Tanwade was also present there. Police prepared panchanama (Exh.691) regarding seizure of the Indica Car No. MH-25-1552. After reading its contents he signed over it. It bears his signature and its contents are correct. What you have to say about it?

Ans. It is false

Q.14 It has come in the evidence of P.W. 4 Kumar Baburao Ohal that, on 06/06/2002 police called him in Osmanabad City Police Station. Another panch Amar Kirdatta was with him. The employees of the bank were present in the police station. One Deshpande (deceased accused No. 2), Malvade (accused No. 3) and More (accused No. 5) on behalf of the bank were present there. One more officer was present there on behalf of the bank. What you have to say about it?

Ans. It is false

Q.15 It has further come in his evidence that, police obtained signatures of above four persons on panchnamas. Thereafter they signed over the panchnamas. The signatures of the said officers were obtained on six papers.

Thereafter police prepared the panchnamas over which they signed. Four panchnamas shown to him, they bear his signatures, their contents are true. They are at Exh.694/1 to 694/4. He has not signed anywhere except panchanama. What have you to say about it?

Ans. It is false

Q.16 It has come in the evidence of P.W. 8 Shivaji Vinayak More that, in the year 2002 he was working as a Deputy General Manager in O.D.C.C. Bank, Osmanabad. That time there were two posts in the said bank as a Deputy General Manager. One B.N. Thorat (deceased accused No. 6) was another Deputy General Manager that time in O.D.C.C. Bank. What you have to say about it?

Ans. It is false

Q.17 It has further come in his evidence that, that time there were five divisions/departments namely, the Finance, Non-Agriculture, Recovery of loan, Planning & Development. He was looking after the said departments. There were 98 branches of O.D.C.C. Bank. There were four Chief Officer for four division. After passing the resolution of the Bank its copy was sent to them and he used to see about its implementation. What you have to say about it?

Ans. It is false

Q.18 It has further come in his evidence that, one A.J.Deshpande was the General Manager of the Bank. General Manager Deshpande used to take tipan/notes from all the division and used to put before the Meeting of the Directors. What you have to say about it?

Ans. It is false

Q.19 It has further come in his evidence that, in the meeting of the Directors, General Manager, two Deputy General Managers, Chief Officer of the Division, Spl. Auditor, Officers of the NABARD, District Sub-Registrar used to remain present. What you have to say about it?

Ans. It is false

Q.20 It has further come in his evidence that, in the meeting of the Directors index of the subject are kept on which Directors used to discuss and pass the resolution. All the resolution passed in the meeting of the Directors are sent to each department for implementation. What you have to say about it?

Ans. It is false

Q.21 It has further come in his evidence that, on 8/2/2002 there was the meeting of the Directors in the bank. He was present in the said meeting. In the said meeting the officers from the NABARD, General Manager, Special Auditor etc. were present. The representatives of the staff were also present in the said meeting. In said meeting memo in respect of inspection conducted by the NABARD was read over. The sanction was given to the said subject in the said meeting. What you have to say about it?

Ans. It is false

Q.22 It has further come in his evidence that, on 11/3/2002 the meeting of the Directors was held. In the said meeting he, General Manager B.N. Thorat (deceased accused No. 6), representatives of the staff were present. What you have to say about it?

Ans. It is false

Q.23 It has further come in his evidence that, in the meeting of 11/3/2002 sanction was given to the resolution passed in meeting held on 8/2/2002. What you have to say about it?

Ans. It is false

Q.24 It has further come in his evidence that, in the said meeting casual discussion was taken place regarding investment of 30 crores rupees of Nagpur District Central Co-operative Bank in the Securities. What you have to say about it?

Ans. It is false

Q.25 It has further come in his evidence that, General Manager used to prepare the minutes of each meeting. In the proceeding book General Manager and Chairman used to put their signatures. In proceeding book of meeting dated 8/2/2002 no discussion was taken place except subject No.1. The proceeding dated 8/2/2002 and 11/3/2002 were

written by Chief Officer More in the Proceeding Book? What you have to say about it?

Ans. It is false

Q.26 It has further come in his evidence that, if any bank required to purchase the securities then as per the RBI direction it is to be purchased from AGL account. It is required to take the permission of Co-operative Commissioner before purchasing the securities. What you have to say about it?

Ans. It is false

Q.27 It has come in the evidence of P.W. 9 Hanumant Vishwambhar Bhusare that, since 08/02/1980 he was working in District Central Co-operative Bank, Osmanabad. In the year 2002 he was appointed as a Chief Officer in Audit Department of the Bank. There were 99 branches of Osmanabad District Co-operative Bank. His duty was to take the inspection of the branches of the said bank. What you have to say about it?

Ans. It is false

Q.28 It has further come in his evidence that, there were two Deputy Chief Officer, one Clerk and one Peon were available to assist him. One Deputy Chief General Manager was his superior. After inspection of the branches if any objectionable is found then he used to brought to the notice of Deputy General Manager of the bank. What you have to say about it?

Ans. It is false

Q.29 It has further come in his evidence that, he himself and one Vasant Shinde were the representatives of the staff. If there is any grievance of the staff or demand made by them then they used to put the same in the meeting of the directors. He used to receive agenda of the meeting of the directors. What you have to say about it?

Ans. It is false

Q.30 It has further come in his evidence that, the Administrative Department of the Bank used to prepare the agenda of the meeting. In the meeting of the directors, all the directors,

the Chief of each department, Chief General Manager, Deputy Chief General Manager, District Registrar, District Development Officer of NABARD used to remain present. What you have to say about it?

Ans. It is false

Q.31 It has further come in his evidence that, on 08/02/2002 the meeting of the directors was called in respect of the inspection of the bank conducted by the NABARD. He received the agenda of the said meeting. He was present in the said meeting. What you have to say about it?

Ans. It is false

Q.32 It has further come in his evidence that, he signed in the register kept for that purpose in token of his attendance in the said meeting. He has produced the said register which is at Article 35. Page Nos. 193 and 194 of the said register bears his signatures showing that he was present in the said meeting. It is at Exh. 719. What you have to say about it?

Ans. It is false

Q.33 It has further come in his evidence that, the agenda dated 08/02/2002 bears the signature of then Chief General Manager B.N.Thorat (deceased accused No.6). He identified his signature, its contents are true. It is at Exh. 720. In the meeting dt. 8/2/2002 a discussion was taken place in respect of inspection conducted by NABARD. No other discussion was taken place in the said meeting. What you have to say about it?

Ans. It is false

Q.34 It has further come in his evidence that, proceeding dated 8/2/2002 bears the signature of accused Nos. 1 and 2, he identified the same, it is at Exh. 721. Out of the same the resolution No.1 is true and correct. No other resolution was taken place on that day. What you have to say about it?

Ans. It is false

Q.35 It has further come in his evidence that, on 11/3/2002 the meeting of the directors was taken place. He was present in the said meeting. In the meeting dated 11/3/2002 the sanction was given to the meeting dt. 5/1/2002 and

8/2/2002 and also discussion of other subject as per agenda was taken place. What you have to say about it?

Ans. It is false

Q.36 It has further come in his evidence that, he received the agenda of the meeting dated 11/3/2002. The agenda of the said meeting shown to him, its contents are true, it is at Exh. 722. They can receive the deposit of co-operative societies in the said district. He don't know anything about the transaction of Home Trade. What you have to say about it?

Ans. It is false

Q.37 It has come in the evidence of P.W. 10 Yashwant Parshuram Giri that, in the year 2002 he was working as a District Deputy Registrar, Co-operative Society, Osmanabad. As a D.D.R. he was under duty to supervise all the co-operative societies in the district, its registration and implementation of Government policies. What you have to say about it?

Ans. It is false

Q.38 It has further come in his evidence that, being a D.D.R. He was the Ex-officio Director of District Co-operative Bank, Osmanabad. He used to remain present in the meeting of the Board of the Director. He was present in the meeting of the Board of the Director on 8/2/2002. The meeting dated 8/2/2002 was held for discussion in respect of the inspection conducted by the NABARD of the said bank. What you have to say about it?

Ans. It is false

Q.39 It has further come in his evidence that, in the said meeting the squad of the NABARD had given the guidance to the Board of the Director in respect of the objection in the said inspection report. In the said meeting the officers from the NABARD, Directors, Chairman and other officers were present. Thereafter the meeting was completed. What you have to say about it?

Ans. It is false

Q.40 It has further come in his evidence that, again on 11/03/2002 meeting of the director was held. He was

present in the said meeting. In the said meeting there was a subject of sanction of the minute of the previous meeting and also other subject for discussion. In the meeting held on 11/3/2002 the minute of the last meeting was sanctioned. In the said meeting also some other subjects were discussed and meeting was closed. What you have to say about it?

Ans. It is false

Q.41 It has come in the evidence of P.W. 11 Sahebrao Manikrao Patil that, in the year 2002 he was working as a Junior Clerk in Osmanabad District Central Co-operative Bank, Osmanabad. He was working in Account Department as a Junior Clerk. Liquidity, investment and application filed for the membership by Co-operative society were work allotted to him. What you have to say about it?

Ans. It is false

Q.42 It has further come in his evidence that, accused No.3 was his superior officer. If there was any difficulty or grievance in respect of their department they used to prepare the notes and hand over to the accused No.3 for putting before the meeting of the Director. What you have to say about it?

Ans. It is false

Q.43 It has further come in his evidence that, on 30/1/2002 as usual he came to the Bank. At about 12:00 noon accused No.3 called him and told him to prepare the list of the deposit of Rs. 50 crores which is kept in the Maharashtra State Co-operative Bank. Accordingly he prepared the list and forwarded to the accused No.3. What you have to say about it?

Ans. It is false

Q.44 It has further come in his evidence that, Accused No.3 asked him to collect the list of the F.D., receipt of the F.D. and cheque issued for collection and accompany him to the Mumbai. Accordingly on the same day at about 3 to 4 p.m. he and accused No.3 Malvade left for Mumbai in a hired car provided by the bank. What you have to say about it?

Ans. It is false

Q.45 It has further come in his evidence that, on next day morning they reached to the Mumbai. He and accused No.3 went to the rest house of Maharashtra State Co-operative Bank at Colaba where Chairman Pavanraje Nimbalkar (deceased accused No.1) was present. On the same day at 8 a.m. they met to Shri. Pavanraje Nimbalkar. Pavanraje Nimbalkar asked them to accompany him to Hotel Oberoi. Accordingly they went with him to Hotel Oberoi. What you have to say about it?

Ans. It is false

Q.46 It has further come in his evidence that, they went in one of the room of the said hotel situated on 4th or 5th floor. Before them, three persons were waiting in the said room. The Pavanraje introduced said persons to them. Said persons came there on behalf of the Home Trade. What you have to say about it?

Ans. It is false

Q.47 It has further come in his evidence that, out of three one was Subohdh Bhandari another was Thakre but he did not recollect the name of the third person. The discussion was taken place in between Pavanraje and said three persons in respect of the Government securities. Thereafter they proceeded in the office of Maharashtra State Co-operative Bank. What you have to say about it?

Ans. It is false

Q.48 It has further come in his evidence that, Pavanraje thereafter asked him to verify whether the amount of Rs. 30 crores of Nagpur District Co-operative Bank is transferred in their account in Maharashtra State Co-operative Bank or not. Thereafter he went to the concerned table and verified and came to know that the said amount was not transferred in their account. Accordingly he informed to the Pavanraje Nimbalkar. What you have to say about it?

Ans. It is false

Q.49 It has further come in his evidence that, thereafter the discussion was taken place about the Government securities in between the Pavanraje, the representative of Home Trade and the officers of Maharashtra State Co-operative Bank. Thereafter at evening the representative of the Home Trade went away and they came to Colaba Rest House. What you have to say about it?

Ans. It is false

Q.50 It has further come in his evidence that, on next day i.e. on 01.02.2002 he himself, accused No.3 and Pavanraje went to the office of Maharashtra State Co-operative Bank. That time also Pavanraje asked him to verify whether Rs. 30 crores is transferred to their account or not. What you have to say about it?

Ans. It is false

Q.51 It has further come in his evidence that, thereafter again he went to concerned table. He verified and found that Rs. 30 crores of Nagpur District Co-operative Bank transferred in their account kept with Maharashtra State Co-operative Bank. That time also the representative of the Home Trade were present in the bank. What you have to say about it?

Ans. It is false

Q.52 It has further come in his evidence that, thereafter discussion was taken place in between Pavanraje, Malvade and the representative of Home Trade regarding Government securities. What you have to say about it?

Ans. It is false

Q.53 It has further come in his evidence that,Thereafter Pavanraje and Malvade made telephone call to Deputy Chief Officer Tambe- accused No.4 who was present in the Osmanabad branch. They accordingly informed Tambe to transfer the said 30 crores amount in the account of Home Trade kept in Maharashtra State Co-operative Bank by telephone code. What you have to say about it?

Ans. It is false

Q.54 It has further come in his evidence that, the said message which was forwarded from Osmanabad District Co-operative Bank, Osmanabad was received in Maharashtra State Co-operative Bank. Accordingly the Maharashtra State Co-operative Bank has transferred the 30 crores from their account to the account of Home Trade. What you have to say about it?

Ans. It is false

Q.55 It has further come in his evidence that, thereafter again the discussion was taken place in between Pavanraje (deceased accused No.1) , Subodh Bhandari (accused No.8), Thakre and other one person from Home Trade and Shri. Malvade (accused No.3) about purchase of the Government securities. What you have to say about it?

Ans. It is false

Q.56 It has further come in his evidence that, thereafter Pavanraje and accused No.3 told him to accompany the officers of Home Trade in their office and collect the receipts. Thereafter he and accused No.3 Malvade went to the office of Home Trade at Washi. Accordingly they had given five receipts to them. The said receipts were kaccha receipts. What you have to say about it?

Ans. It is false

Q.57 It has further come in his evidence that, the said five receipts were pertaining to the amount of Rs. 29,99,34,591/-. They had also given him a cheque of Maharashtra State Co-operative bank of Rs. 65409/- regarding remaining amount. The said cheque and the receipts were given to them by Subodh Bhandari. Said cheque is at Exh. 736 and the said receipts are at Exh. 737/1 to 737/5. What you have to say about it?

Ans. It is false

Q.58 It has further come in his evidence that, on the same day at evening he and Shri. Malvade left for Osmanabad. On next day morning at about 5 a.m. they reached at Osmanabad. What have you to say about it?

Ans. It is false

Q.59 It has further come in his evidence that, in the office hour [illegible] and Malvade came at the Bank. Thereafter they sent the cheque of Rs. 65409/- for collection to the Maharashtra State Co-operative Bank. The said cheque was honoured and amount was transferred in their account. What you have to say about it?

Ans. It is false

Q.60 It has further come in his evidence that, after two month Pavanraje demanded Rs. 29,99,34,591/- from Home Trade. On 20/4/2002 the Home Trade had given the cheque of Rs. 30,89,07,975/- to them. The said cheque was submitted to the State Co-operative Bank for collection. The said cheque was dishonored and therefore returned back. What you have to say about it?

Ans. It is false

Q.61 It has further come in his evidence that, on 2/5/2002 Malvade asked him to take the challan from the bank and visit the Colaba rest house where Pavanraje was present, collect the cheque from him and deposit in their account of State Co-operative Bank. Accordingly on 02/05/2002 at evening he left for Mumbai. What have you to say about it?

Ans. It is false

Q.62 It has further come in his evidence that, on next day morning he visited the rest house and met the Pavanraje. Accordingly he collected the cheque from him and deposited in their account in State Co-operative Bank with challan. What you have to say about it?

Ans. It is false

Q.63 It has further come in his evidence that, the said cheque was dishonored due to insufficiency of the funds in the account and therefore it was returned to them. When the cheque was returned to him the Pavanraje was present in the bank. Accordingly the said cheque and return memo was shown to the Pavanraje. What you have to say about it?

Ans. It is false

Q.64 It has further come in his evidence that, Pavanraje asked him to keep the said cheque in account department. Thereafter he came from Mumbai on 04/05/2002 and reached at Osmanabad on 05/05/2002. Accordingly he handed over the said cheque with return memo to accused No.3 Malvade. What you have to say about it?

Ans. It is false

Q.65 It has come in the evidence of P.W. 12 Kashinath Nivrutti Gore that, in the year 2002 he was working as a Special Government Auditor Class No.1. He was working as a Special Auditor from 03-10-1997 to 28-02-2002. Osmanabad District Co-operative Bank and Latur District Co-operative Bank were under his jurisdiction. What you have to say about it?

Ans. It is false

Q.66 It has further come in his evidence that, he was under duty to conduct the audit of both bank during the financial year. After conducting the audit he was under duty to brought to the notice of Board of Director and his Superior about any irregularities while conducting the audit. What you have to say about it?

Ans. It is false

Q.67 It has further come in his evidence that, police made inquiry to him about the fraud which was taken place in Osmanabad District Central Co-operative Bank. Before his retirement inspection of the Osmanabad District Central Co-operative Bank was conducted by the NABARD. What you have to say about it?

Ans. It is false

Q.68 It has further come in his evidence that, on 30/01/2002 the Osmanabad District Central Co-operative Bank by letter informed him to attend the meeting to be held on 08/02/2002. In the said meeting the subject regarding the inspection conducted by the NABARD of the bank was put up for the discussion. What you have to say about it?

Ans. It is false

Q.69 It has further come in his evidence that, accordingly he remained present in the meeting of the Board of Director held on 08/02/2002. He signed over the register in token of his presence in the said meeting. In the said register his signature is at Sr. No.22 regarding his presence. What you have to say about it?

Ans. It is false

Q.70 It has further come in his evidence that, in the said meeting a discussion was taken place in respect of the irregularities regarding the inspection conducted by the NABARD of the bank. In the said meeting only one subject was on agenda and therefore it was discussed and meeting was ended. What have you to say about it?

Ans. It is false

Q.71 It has come in the evidence of P.W. 13 Shivaji Ganpatrao Patil that, he was the Director in Osmanabad District Central Co-operative Bank. He was the Director of the said Bank in the year 2002. The work of the Director was to remain present in the meeting of the bank, discuss the subject kept in the meeting and to pass the resolution. What you have to say about it?

Ans. It is false

Q.72 It has further come in his evidence that, on 11/3/2002 the meeting of the Board of Director was called. He received the agenda of the said meeting. He was present in the said meeting. In the said meeting all the directors and staff members were present. What you have to say about it?

Ans. It is false

Q.73 It has further come in his evidence that, in the said meeting only the subject in respect of NABARD inspection was kept for discussion. What you have to say about it?

Ans. It is false

Q.74 It has further come in his evidence that, as the report of the NABARD was not received and therefore no discussion on the said subject No.1 was taken place. No other subject was discussed in the said meeting. What you have to say about it?

Ans. It is false

Q.75 It has come in the evidence of P.W. 14 Bhuddiwant Yashwant Ammashetti that, he was working in Osmanabad District Central Co-operative Bank. He was working there from the year 1972 to 2003. In the year 2002 he was the Chief Officer of the Bank. The Non-Agricultural Department was with him. What you have to say about it?

Ans. It is false

Q.76 It has further come in his evidence that, one S.V.More (accused No. 5) was his superior. They used to verify all the applications filed for loan and to show the same to the General and Dy. General Manager and thereafter to put the same in the meeting of the Board of Director. What you have to say about it?

Ans. It is false

Q.77 It has further come in his evidence that, the meeting of the board of director used to take place in every month. In the said meeting all the directors and staff members used to remain present. What you have to say about it?

Ans. It is false

Q.78 It has further come in his evidence that, the meeting of the board of director was taken place on 05/01/2002. He was present in the said meeting. In the said meeting he had given the information about the application for loan to the directors present in the said meeting. In the said meeting discussion was taken place about the subject concerning to them and also not concerning to them. What you have to say about it?

Ans. It is false

Q.79 It has further come in his evidence that, on 08/02/2002 also the meeting of the Board of Director was taken place. He was present in the said meeting. In the said meeting the discussion was taken place regarding subject about the inspection taken by the NABARD. After discussion of the said subject the meeting was over. What you have to say about it?

Ans. It is false

Q.80 It has further come in his evidence that, police recorded his statement. He came to know about the deposit of 30 crores by Nagpur D.C.C Bank in O.D.C.C. by which O.D.C.C. bank purchased the securities. What you have to say about it?

Ans. It is false

Q.81 It has come in the evidence of P.W. 15 Suresh Manikrao Birajdar that, he was one of the Director of Osmanabad District Central Co-operative Bank since 1999. There were in all 13 Directors including the Chairman over the said Bank. What you have to say about it?

Ans. It is false

Q.82 It has further come in his evidence that, the work of the director was to frame the policy of the bank and also to fix the subject for meeting and discuss the same in the meeting. He received the agenda of meeting dt. 11/3/2002 and accordingly he remained present in the said meeting. What you have to say about it?

Ans. It is false

Q.83 It has further come in his evidence that, in the meeting dt. 11/03/2002 the subject No.1 was to read the minute of last meeting and to sanction it. However as the report of the NABARD regarding inspection of the bank was not received and therefore it was not discussed and therefore discussion was started from subject No.2. What you have to say about it?

Ans. It is false

Q.84 It has further come in his evidence that, there were in all 20 subject for discussion in the said meeting. Thereafter the discussion was taken place on other subject and meeting was closed. What you have to say about it?

Ans. It is false

Q.85 It has further come in his evidence that, police recorded his statement. From the media he came to know that the Chairman and M.D. of the bank has invested the amount in the Home Trade and committed the fraud. What you have to say about it?

Ans. It is false

Q.86 It has come in the evidence of P.W. 16 Chandrakant Pandharinath Bhalerao that, in the year 2002 he was working as a Junior Officer in Maharashtra State Co-operative Bank, Mumbai. He was looking after the work of verifying the entries taken by ledger keeper which was taken on the basis of voucher. He was looking after the work of Nagpur, Amravati and Ahmadnager District Central Co-operative Bank. What you have to say about it?

Ans. It is false

Q.87 It has further come in his evidence that, on 31/01/2002 the amount of Rs. 30 crore of Nagpur Central District Co-operative bank was deposited in Osmanabad District Central Co-operative Bank. He had verified the ledger and voucher entries in the account. The said voucher is at Exh.781. What you have to say about it?

Ans. It is false

Q.88 It has further come in his evidence that, on 01/02/2002 Home Trade, Washi had issued the cheque of Rs. 29,99,99,766/- in the name of Nagpur Central District Co-operative Bank. Accordingly amount was deposited in the Nagpur District Central Co-operative Bank and entry was taken in the ledger. What you have to say about it?

Ans. It is false

Q.89 It has further come in his evidence that, Nagpur District Central Co-operative Bank has deposited 30 crore in Osmanabad District Central Co-operative Bank and accordingly debit entry was made by Nagpur District Central Co-operative Bank. Said voucher is at Exh. 782. What you have to say about it?

Ans. It is false

Q.90 It has further come in his evidence that, on 01/02/2002 Home Trade Washi deposited 29,99,99,766/- in Nagpur District Central Co-operative Bank and verified the ledger entry, its verified copy is filed on the record, which is at Article 'A'. What you have to say about it?

Ans. It is false

Q.91 It has come in the evidence of P.W. 17 Sunil Digambar Patil that, on 01/02/2002 he was working as a Ledger Keeper in Head Office of Maharashtra State Co-operative Bank, Mumbai. On 01/02/2002 the amount of Rs. 30 crore of Osmanabad District Central Co-operative Bank was deposited in Home Trade. What you have to say about it?

Ans. It is false

Q.92 It has further come in his evidence that, he received the voucher from the voucher department. The said voucher is at Exh. 787. Accordingly he had taken the entry in the ledger. The verified copy of the ledger entry which is verified from the original shown to him, it is the same, it is at Exh.788. What you have to say about it?

Ans. It is false

Q.93 It has further come in his evidence that, on the same day Home Trade has deposited Rs. 29,99,99,766-67/- in Nagpur District Central Co-operative Bank vide cheque. What you have to say about it?

Ans. It is false

Q.94 It has further come in his evidence that, he made entry regarding deposit of Rs. 30 Crore of Osmanabad District Central Co-operative Bank in Home Trade. The said voucher is at Exh. 789. What you have to say about it?

Ans. It is false

Q.95 It has further come in his evidence that, on 05/02/2002 Home Trade had given the cheque of Rs. 65,409/- to deposit in Osmanabad District Central Co-operative Bank. He identified the said cheuqe which is at Exh.736. What you have to say about it?

Ans. It is false

Q.96 It has further come in his evidence that, he had taken the entry in ledger book. The ledger entry is the same as per original ledger. It is at Exh. 790. What you have to say about it?

Ans. It is false

Q.97 It has come in the evidence of P.W. 18 Vilas Ananda Kamble that, on 01/10/2002 he was working in Maharashtra State Co-operative Bank, Mumbai. On 01/10/2002 one Shri. S.D.Bangar, Inspector of Local Crime Branch, Osmanabad, came into the bank. He called him in the Head Office of Maharashtra State Co-operative Bank. What you have to say about it?

Ans. It is false

Q.98 It has further come in his evidence that, police called him in the cabin of Bhosale. At that time in his presence police inspector had taken into the custody the documents from the Bhosale. Accordingly police prepared the panchnama. Panchnama bears his signature. The contents are true. It is at Exh. 803. What you have to say about it?

Ans. It is false

Q.99 It has come in the evidence of P.W. 20 Arjun Pandurang Ghule that, in the year 2002 he was working as a Clerk in Account Department in Osmanabad District Central Co-operative Bank, Osmanabad. What you have to say about it?

Ans. It is false

Q.100 It has further come in his evidence that, Sub-Accountant Gangne was his superior. Similarly one H.K.Tambe (accused No. 4) and V.D.Malvade (accused No. 3) were the Chief Officer. What you have to say about it?

Ans. It is false

Q.101 It has further come in his evidence that, he used to issue the cheque on permission of the Chief Officer if the cash is called by the bank. He also used to make the payment of sanction bill. What you have to say about it?

Ans. It is false

Q.102 It has further come in his evidence that, on 31/01/2002 Nagpur District Central Co-operative Bank has deposited 30 crore in the account of Osmanabad District Central Co-operative Bank, Osmanabad maintained in Maharashtra State Co-operative Bank, Mumbai. What you have to say about it?

Ans. It is false

Q.103 It has further come in his evidence that, on 22/02/2002 Malvade had sanctioned the voucher and directed to make entry in the kird book. Accordingly he had taken the entry in the kird book. The certified copy of the extract of the kird book (Exh.810) is the same as per the original kird book brought by him. What you have to say about it?

Ans. It is false

Q.104 It has come in the evidence of P.W. 23 Madhukar Pralhad Kadam that, on 08.05.2002 he was working as police constable at City Police Station. At that time Shri. B.B.Reddy was working as police inspector. He was working as his assistant. What you have to say about it?

Ans. It is false

Q.105 It has further come in his evidence that, on 08.05.2002 Cr.No. 106/2002 was registered for the offences punishable under Sec. 406,409,420 r/w 34 of IPC. The investigation was assigned to police inspector Shri. B.B.Reddy. Police inspector B.B.Reddy is died prior to 3-4 years. What you have to say about it?

Ans. It is false

Q.106 It has further come in his evidence that, during investigation he had made correspondence with the Osmanabad District Central Co-Operative Bank, as per the order and instruction of police inspector Shri. Reddy. The said correspondence was in his hand writing and it bears signatures of police inspector Reddy. What you have to say about it?

Ans. It is false

Q.107 It has further come in his evidence that, on 20.05.20002 statement of witness Kashinath Nivrutti Gore was recorded. What you have to say about it?

Ans. It is false

Q.108 It has further come in his evidence that, on 18.05.2002 seizure panchanama was prepared in his hand writing in respect of documents produced on demand by the Chief Officer of District Central Co-operative Bank. The seizure panchanama (Exh.684) is in his hand writing. What you have to say about it?

Ans. It is false

Q.109 It has further come in his evidence that, the said panchanama is in his hand writing. It bears signature of police inspector Reddy. He recognized his signature as he had worked with him. Thereafter on 01.07.2002 statement of witness Laxman Maruti Pawar was recorded. What you have to say about it?

Ans. It is false

Q.110 It has further come in his evidence that, on 03.06.2002 the receipt of purchase of securities was seized and seizure panchanama was prepared at the office of Home Trade Ltd. at Washi New Bombay. The seizure panchanama dt. 03.06.2002 is in his hand writing. It bears signature of police inspector Reddy. He recognized his signature (Exh. 993) as he had worked with him. What you have to say about it?

Ans. It is false

Q.111 It has further come in his evidence that, thereafter on 19.08.2002 the proceeding book of Osmanabad District Central Co-operative Bank produced by police constable Kolekar in the police station was seized. The said seizure panchanama dt. 19.08.2002 is in his hand writing. It bears signature of police inspector Reddy (Exh. 994). He recognized his signature as he had worked with him. What you have to say about it?

Ans. It is false

Q.112 It has further come in his evidence that, on 18.08.2002 letter was issued to Maharashtra State Co-operative Bank, Mumbai calling information about the day book extract and the name of the officer who had signed it. The said letter dt. 18.08.2002 is in his hand writing. It bears signature of police inspector Reddy (Exh. 995). He recognized his signature as he had worked with him. What you have to say about it?

Ans. It is false

Q.113 It has further come in his evidence that, in accordance with the said letter the Maharashtra State Co-operative Bank, Mumbai had providing information about the day book

extract of the bank and the name of the officer. What you have to say about it?

Ans. It is false

Q.114 It has further come in his evidence that, thereafter on 14.09.2002 the specimen of signatures were sent to the hand writing expert for investigation. The letter dt. 14.09.2002 is in his hand writing. It bears signature of police inspector Reddy (Exh. 996). He recognized his signature as he had worked with him. After completion of investigation Police Inspector Reddy filed charge sheet against the accused in the court. What you have to say about it?

Ans. It is false

Q. 115 Why prosecution witnesses are deposing against you?

Ans. Witnesses have deposed falsely on the say of Police and Prosecution.

Q.116 Do you want to examine yourself on oath or do you want to lead any additional evidence ?

Ans. Yes.

Q.117 Do you want to examine any defence evidence?

Ans. Yes

Q.118 Do you have to state anything else about this case?

Ans. This is the false and wrong case. I have no concern and role in this case.

Signature of accused
(Nandkishore Shankarlal Tsivedi)

Before me
12/11/2025
(Pradnya V. Medhe)
Addl. Chief Judicial Magistrate,
Osmanabad.

Certified that the above examination of the accused is recorded in my presence and contains a full and true account of the statement made by him.

12/11/2025.
(Pradnya V. Medhe)
Addl. Chief Judicial Magistrate,
Osmanabad.

Date:- 12.11.2025

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&
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01-12-5
मुख्य न्यायदंडाधिकारी व अति. सत्र न्यायालय
उस्मानाबाद

C-243

R.C.C.No. 398/2002.
State/Pawanraje & others.
Exh. No. 641

In view of order dt. 6/5/2014 below Exh. 1 the following charge is framed.

CHARGE

I, C.P.Gaddam, Chief Judicial Magistrate, Osmanabad hereby charge you accused -

3. Vinayak Digambar Malvade.
Age 67 years, Occu. Retired.
R/o. Saraswati Niwas, Patel Chowk, Teli Galli, Latur.

4. Harischandra Kashinath Tambe.
Age 63 years, Occu. Service.
R/o. Veer Sawarkar Chowk, Shalu Galli, Bhoom, Tq. Bhoom, Dist. Osmanabad.

5. Shivaji Bhaurao More.
Age 67 years, Occu. Service.
R/o. At Post Talmod, Tq. Omerga, Dist. Osmanabad.
At present resident of B/22, "Swapnakunj", Rajiv Gandhi Nagar, Osmanabad.

7. Sanjay Hariram Agarwal.
Age 48 years, Occu. Business.
R/o. 7 Harisabha Street, Khedarpur, Calcutta-23.

8. Subodh Chand Dayal Bhandari.
Age 48 years, Occu. Charted Accountant.
R/o. Flat No.402, Aprodite Co-op- Society, Devnar village road, Chembur, Mumbai 400 088. (within Govandi Police Station).

9. Nandkishor Shankarlal Trivedi.
Age 46 years, Occu. Advocate.
R/o. 3-A, Pushpam, 6 Khandubhai Desai Road, Vile Parle, (West), Mumbai, 56. (within Juhu Police Station)

10. Sunil Chhatrapal Kedar.
Age 53 years, Occu. Service.
R/o. 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 29/1/2002 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 1/2/2002 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 Nagupur 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 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 1/2/2002 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,

committed criminal breach of trust in respect of said Rs. 30 crores and thereby committed an offence punishable under section 406 r/w. 34 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 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 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 8/2/2002 and 11/3/2002 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 IPC and

within my cognizance.

7. That you accused Nos. 3 to 5 and deceased accused Nos. 1, 2 and 6 after above meetings dated 8/2/2002 and 11/3/2002 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.

8. That you accused Nos. 3 to 5 and 7 to 10 on or about 1/2/2002 along with deceased accused Nos. 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 IPC and within my cognizance.

And I hereby direct that you be tried by this court on the said charge.

8/5/2014

Date:- 8/5/2014.

(C.P.Gaddam),
Chief Judicial Magistrate,
Osmanabad.

In view to order passed today below Exh. 1 the contents to above charge are read over and explained to accused nos. 3 to 5 and 7 to 9 to which they pleaded not-guilty.

8/5/2014
CJM.

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09-12-25
सहायक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Today the contents to above charge are read over and explained to accused no. 10 Sunil Kedar to which he pleaded not-guilty.

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8/5/2014
CJM.

C/248

RCC No. 398/2002.
State / Rawanwade & others.
Exh. No. 645

STATEMENT OF ACCUSED No. 7.

My name is : Sanjay Hariram Agarwal.

My ~~husband's~~ father's name : Hariram Agarwal.

My age about : 48 years.

My Occupation is : Business.

I am inhabitant of : 7, Harisabha Street, Khedarpur, ~~Dist. Osmanabad.~~ Kolcutta - 23

Q.1 Have you received the copies of police papers ?
Ans Yes.

Q.2 Have you understood the charge now read over and explained to you in Marathi ?
Ans Yes.

Q.3 Do you plead guilty?
Ans I do not plead guilty.

Before me
8/5/2014
C.J.M.Osmanabad

Date : 8/5/2014.

प्रश्न–1 तुम्हाला पोलीस कागदपत्राच्या नक्कला मिळाल्या काय ?
उत्तर होय.

प्रश्न–2 तुम्हाला तुमच्यावर ठेवण्यात आलेला आरोप वाचुन दाखवण्यात आला व तो तुम्हाला मराठीत समजवण्यात आला तो तुम्हाला समजला का ?
उत्तर होय.

प्रश्न–3 तुम्हाला गुन्हा कबूल आहे का ?
उत्तर मला गुन्हा कबूल नाही.

8/5/2014
मुख्य न्याय दंडाधिकारी
उस्मानाबाद

दिनांक : 8/5/2014.

S. H. [illegible]
8/5/14
(आरोपी नं. 7)

TRUE COPY
सहायक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
Compared by

RCCNo. 398/02
लटवाट पवन बगैरे.

दिवाणी अं २७ म. इं.
Civ. A/27 म.इ.

नि. क्र.
Exhibit No. 606

तर्फे साक्षीदार क्रमांक 9 यांची जवानी
Deposition of Witness No. 9 for the लटवाट गर्फे

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नाव
My name [illegible] राम

वडिलांचे नाव
Father's name पटवाराम राठोड.

धर्म
Religion

वय सुमारे
Age about 45 वर्ष
Years

व्यवसाय
Occupation [illegible]

निवासस्थान
Residence [illegible]

जिल्हा
District [illegible]

सरतपासणी
Examination-in-chief

लटवाट गर्फे इंजिनियर आहे
दिनांक 26/8/02 रोजी मी माझे आई वडिलांसोबत
[illegible] लटवाडी येथे माझे
[illegible] येथे आले परंतु नौकरीत होतो.
माझ्या [illegible] व जिल्ह्याचे नांव लटवाडी
येथे [illegible] [illegible] आणि [illegible]
[illegible] व त्यांचा [illegible] व नयाबाई
हे माझे आई वडील. दि. 26/8/02 रोजी त्यांचा
ऑर्डर (बॅड) बनवुन आणण्यास [illegible]

जिल्हा कुंचा गावा काकन कोळी मुदमाद लेवा-
परिक्षण उलन अहवाल येथे काकन विकांनी कुलाग
आणि. कारण की कुन पमा मध्ये व मेडीयम मध्ये
जिल्हा मध्यवर्ती ठेवु उलागडाड आंणि कोळी
गैर व्यवहार केले काकन कामाच्या प्रतिष्ठ झाल्या
होत्या सदरचे पन एम एम पवार विशेष लेवा
परिक्षण केंद्र मार्फत सदरचे पन देणाग आले होते
त्यानंतर पवार यांनी केंद्र मध्ये येवून लेवा
परिक्षण केले त्यानंतर त्यांनी त्यांचा अहवाल आमचे
कडे सादर केला. सदरच्या अहवाला मध्ये केंद्रने सादरचे
२९, ९९, ३४, ५९७ |— या गैर व्यवहार व अपहार
केल्याचे नमुद केले. सदरचा अहवाल २०/४/०२
रोजी आमच्या कडे सादर कुलाग आला. त्यानंतर
मी पो. स्टे उलागडाड (शहर) येथे गुन्हा दाखल
केली आणि पुढील तपास दाखलिली त्यावर पार्टी
केली आहे व मी केस करे आहे त्याग विभागी
[illegible] देणाग आला त्यानंतर मजकुर केस करे आहे.
गुन्हाची तोकन मी विशेष लेवा परिक्षण पन दाखल
केली होती तपास आणि सदर अहवाल दाखलिला
त्यावर पवार यांची साक्ष झाली आहे त्यानंतर मजकुर
केस करे आहे. गुन्हा दाखल करे काकन विभागीय
उप निबंधक सहकारी संस्था नागपुर यांनी मला
अधिकार पन दिनांक ८/५/०२ रोजी दिले.

सदरचे आक्षेपार पत्र मला दाखविले ते तेच आहे
ते बरोबर आहे ते शिवाजी इतर वर आहे.

आरोपी नं. 3 तर्फे लानवडे ॲड

उलट तपास खुप

हे खरे आहे की फिर्यादी महेश भूपाल शिंदे
लंगारी राजे शिवाजीकडे हे व्यक्तीश: शस्त्रधारी
आहेत हे मी मान्य करीत आहे हे खरे
आहे की कुठे पवार साहेब यांच्या ऑडीट रिपोर्ट
संबंधी आदेश दिले ते मी दाखवू शकेन नाही.
हे खरे आहे की मी माझ्या फिर्यादी मध्ये आरोपींना
रोख स्वरूपी कुठल पावती दिल्या नाहीत हे मी
नमूद केले आहे

आरोपी नं. 2 तर्फे - श्री आर. आर. गायकवाड ॲड

उलट तपास खुप

माझ्या रोख शिवसेना हेडक्वार्टर अध्यक्ष नाही
मुंबई स्टॉक एक्सचेंज आणि नॅशनल स्टॉक
एक्सचेंज बद्दल माहीती नाही. हे खरे नाही की
सदरची नमूद देणे शिवसेना माझ्याकडे दबाव आणत
होता. हे खरे आहे की ऑडीटी सी.सी. बँकेचे
दोन वेळा ऑडीट रिपोर्ट एक वेळी इन्टरनल
ऑडीट व एक वेळा कायमस्वरूपी ऑडीट रिपोर्ट.

हे खटले नाही की नागरिक दवाखाना खाली मी
विरुद्ध दाखल केली आहे.

आरोपी नं. 5 नंबर व्ही.व्ही. शिंदे हॉस्पिटल

उलट तपास सुरु

हे खटले आहे की घटने बाबत माझा व्यक्तिशः
माहिती नाही माझा आधीचे कुठे गुन्हा नोंद
माझा वैयक्तिक माहिती नाही. हे खटले नाही की
नागरिक दवाखाना पोलीस मी विरुद्ध दाखल केली
हे खटले नाही की मी खोटी साक्ष दिली आहे.

आरोपी नं 10 नंबर पी.एम नर्सिंगहोम हॉस्पिटल

उलट तपास सुरु

हे खटले आहे की, एखादया सरकारी बँक मध्ये
ड्यूटी करणारा मनेजर नट नि. सरकारी बँक
मध्ये डाका टाकी नागपूर डी.सी.सी. बँकेचे 30 कोटी रुपये
अलाहाबाद सरकारी बँकेकडे डिपाझिट केली होती

आरोपी नं. 4 नंबर एस.व्ही. तांबे हॉस्पिटल

उलट तपास सुरु

मोठमोठा डाकाकडी लोकी तपासणी करणाऱ्या
पवार साहेब लांबीनाले ते माझा आरोपी नाही.
पवार साहेब कुणी नातेवाईक तपासणी केली हे
माझा सांगणार नाही की पवार साहेब अत्यवस्थ
दिनांक 20/8/2002 रोजी मृत झाला.

RC.NO 398/02
लघाट/पवन कॉर्ट
विशाखी नं. ६०६

फिर्यादी देणाऱ्या रोख्ये विक्री घेणाऱ्या बोगस्या परिपत्रक व नियमांचे उल्लंघन झाले ते लोकांना सेल करायचे ते खटे आरोपी अरवाल प्राप्त झाला त्यांच्यी मी विशाखीस तर विक्रेक महून मोठ्या रक्कम पडाव लागे. ते खटे आरोपी अरवाल प्राप्त झालेवर मी कॅपुल शेअर डिलिंगचा व दादर पश्चिम पोलीसांनी केली नाही. मी तक्रार देणे अगोदरचे क्राईम नंबर ४५/2002 मुंबई डिपोजिट 5/5/02 रोजी नोंदला गेल्याचे समजले माहीत नाही. तसेच क्राईम नंबर १५८/02 दादर एन.आर.ए. मार्ग पोलीस ठाणे मुंबई येथे ही नोंदवि. बाबत समजले माहीत नाही.

आरोपी नं. ६ नंबर एम एस पारीख चॉइस

उत्तर पोलीस कुर्ला

ते खटे आरोपी अलाहाबाद येथे राहतो असे विक्रेक महून काम पाहिले आहे ते खटे आरोपी D.C.C बँकेत मुंबई येथे एम.एस.सी. बँकेत खाते असल्याचे माहीत आहे. मी स्वतः ओ.डी.सी बँकेत संचालक मंडळावर शासकीय प्रतिनिधी महून काम करीत होतो. ते खटे आरोपी फिर्यादी ची पवन राजे यांचे विक्रेक लावत केली आहे. ते खटे आरोपी बोगस्याची दुसऱ्या आरोपीचा फिर्यादी मार्फत उलटवे केलेला नाही.

एम एस सी बँक मुंबई यांचे विरोधी इन्टरनल

ट्रान्सफर इन्शुरन्स लोकू शाखाना या ठे मला लागला येत नाही. स्टोक्स एक्सचेंज बंद ठे मी येथून आले मला किंमत प्रकारचे स्टोक्स एक्सचेंज आहेत ठे मला माहीत नाही तरीच मला लोस हेडली बदल माहीत नाही व त्यांचे व्यवहार मला माहीत नाहीत. ठे खरे नाही की व्यवहार सर्व मुंबई येथे असल्यामुळे उल्हासनगर पोलीस स्टेशन येथे किंमत देणाचा आहे नाही.

आरोपी नं. 5 नंतर उपरोक्त अँड

आरोपी नं. 4 श्री. उमर नथाल रिव्हाल्वर

फेरनथाल मुनी

दिनांक 25/6/98

श्री निर्वाण स्वरूप

मुख्य न्यायदंडाधिकारी
उल्हासनगर

फिर्यादी पक्षातर्फे दाखल करण्यात आलेल्या नि.क्र. ९२९/१ वरील अर्जाचे आदेशावरुन साक्षीदार क्र. १ बळीराम परसराम राठोड यांचा शपथेवर पुढील सरतपास सरकारतर्फे विधिज्ञ श्री. एस.व्ही.शेवाळकर यांचे मार्फतः-

दिनांक २९.०४.२००२ रोजी मी लातुर येथे डिव्हीजनल जॉईन्ट रजिस्टार, को.ऑप.सोसायटी, लातुर डिव्हीजन म्हणुन कार्यरत होतो. त्यावेळी मी उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेने दिलेल्या लेखापरिक्षण अहवालावर विशेष अहवाल देणेसाठी म्हणुन विशेष लेखापरिक्षक बँक, लातुर डिव्हीजन श्री. एल.एम.पवार यांना दिनांक २६.०४.२००२ रोजी पत्र दिले होते., सदर पत्राच्या अनुषंगाने श्री. पवार यांनी दिनांक २९.०४.२००२ रोजी विशेष लेखापरिक्षण अहवाल सादर केला होता. सदर अहवालामध्ये उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेमध्ये रुपये २९ कोटींचा अपहार झाल्याचे नमुद केले होते. सदर अहवाल मला दाखवल्यास मी त्यावरील सही ओळखु शकतो. साक्षीदारास दिनांक २९.०४.२००२ रोजीचा अहवाल दाखवण्यात आला. सदर अहवालावर विशेष लेखापरिक्षक श्री. एल.एम.पवार यांची सही आहे. श्री. एल.एम.पवार हे आता हयात नाहीत. मी त्यांची सही ओळखतो. विशेष लेखापरिक्षण अहवालावरील श्री. एल.एम.पवार यांच्या सहीस आता नि.क्र. ९४५ देण्यात येत आहे.

उलटतपास आरोपी क्र. ३ तर्फे विधिज्ञ श्री. बी.एस.जगताप यांचे मार्फतः-

श्री. एल.एम.पवार यांना दिलेले दिनांक २६.०४.२००२ रोजीचे पत्र फिर्याद सोबत दाखल केले होते किंवा काय हे मला आता आठवत नाही. मी लेखापरिक्षण अहवालासंदर्भात उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेला भेट

दिली नाही. हे म्हणणे खरे नाही की मला लेखापरिक्षण अहवालाबाबत व्यक्तीशः माहित नाही. हे म्हणणे खरे नाही की सरतपासातील कथन खोटे केले आहे.

उलटतपास आरोपी क्र. ४ तर्फे विधिज्ञ श्री. एस.व्ही.तांबे यांचे मार्फतः–

उलटतपास आरोपी क्र. ३ तर्फे विधिज्ञ श्री. बी.एस.जगताप यांनी घेतलेला उलटतपास स्विकारत आहे.

उलटतपास आरोपी क्र. ५ तर्फे विधिज्ञ श्री. ए.डी.गपाट यांचे मार्फतः–

उलटतपास आरोपी क्र. ३ तर्फे विधिज्ञ श्री. बी.एस.जगताप यांनी घेतलेला उलटतपास स्विकारत आहे.

उलटतपास आरोपी क्र. ७ तर्फे विधिज्ञ श्री. एम.एस.पाटील यांचे मार्फतः–

हे म्हणणे खरे आहे की विशेष लेखापरिक्षक यांचे कार्यालय हे विभागीय सहनिबंधक सहकारी संस्था या आमच्या कार्यालयापासुन स्वतंत्र असे आहे. हे म्हणणे खरे आहे की श्री. पवार यांनी लेखापरिक्षण करतेवेळी मी त्यांच्यासोबत नव्हतो. विशेष लेखापरिक्षक यांच्या दैनंदिन कामकाजावर आमची देखरेख नसते. हे म्हणणे खरे आहे की मी श्री. पवार यांच्यासोबत लेखापरिक्षणाचे काम केलेले नाही. मी साक्षीकामी न्यायालयात येईपर्यंत मला श्री. पवार हे मयत झाल्याबाबत माहित नव्हते. हे माझ्या लक्षात नाही की यापुर्वी मी श्री. पवार यांची सही ओळखतो असा जबाब कधी दिला आहे किंवा काय.

प्रश्न – तुम्ही श्री. पवार यांची सही ओळखता हे पहिल्यांदा न्यायालयात सांगत आहात, हे म्हणणे खरे आहे काय ?

उत्तर – यापुर्वी असा कधी प्रसंग आला काय हे मला आठवत नाही.

उलटतपास आरोपी क्र. ८ तर्फे विधिज्ञ श्री. आर.आर.गरड यांचे मार्फतः-

उलटतपास आरोपी क्र. ७ तर्फे विधिज्ञ श्री.एम.एस.पाटील यांनी घेतलेला उलटतपास स्विकारत आहे.

उलटतपास आरोपी क्र. ९ तर्फे विधिज्ञ श्री. व्ही.व्ही.शिंदे यांचे मार्फतः-

हे म्हणणे खरे नाही की मी सरतपासात नमुद केलेला मजकुर की "श्री. एल.एम.पवार यांना दिनांक २६.०४.२००२ रोजी पत्र दिले होते. सदर पत्राच्या अनुषंगाने श्री. पवार यांनी दिनांक २९.०४.२००२ रोजी विशेष अहवाल सादर केला. सदर अहवालामध्ये उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेमध्ये रुपये २९ कोटींचा अपहार झाल्याचे नमुद केले", हा मजकुर फिर्याद देतेवेळेस पोलीसांना सांगितला नव्हता तसेच यापुर्वी न्यायालयात साक्ष देतेवेळेस कथन केला नव्हता. हे म्हणणे खरे नाही की वर नमुद मजकुर हा मी आज पहिल्यांदाच न्यायालयात कथन करत आहे. हे म्हणणे खरे नाही की मी "श्री. एल.एम.पवार यांना दिनांक २६.०४.२००२ रोजी पत्र दिले होते व सदर पत्राच्या अनुषंगाने श्री. पवार यांनी दिनांक २९.०४.२००२ रोजी विशेष अहवाल सादर केला", हे सरतपासात खोटे कथन केले आहे. हे म्हणणे खरे नाही की मी "सदर अहवालामध्ये उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेमध्ये रुपये २९ कोटींचा अपहार झाल्याचे नमुद केले", हे सरतपासात खोटे कथन केले आहे. हे म्हणणे खरे नाही की विशेष लेखापरिक्षण अहवालावरील सही श्री. एल.एम.पवार यांची नाही. हे म्हणणे खरे नाही की एल.एन.पवार यांनी कधीही उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बँकेचे विशेष

नियमीत फौजदारी खटला क्र.३९८/२००२
शासन वि. पवनराजे व इतर
नि.क्र.६७६

लेखापरिक्षण केले नव्हते व त्या अनुषंगाने कधीही विशेष लेखापरिक्षण अहवाल दिला नव्हता. हे म्हणणे खरे नाही की मी आजरोजी खोटी साक्ष देत आहे.

उलटतपास आरोपी क्र. १० तर्फे विधिज्ञ श्री. पी.एम.नळेगावकर यांचे मार्फतः--

श्री. एल.एम.पवार यांना दिलेले दिनांक २६.०४.२००२ रोजीचे पत्र आज मी सोबत आणलेले नाही. हे म्हणणे खरे आहे की श्री. एल.एम.पवार यांना विशेष लेखापरिक्षक म्हणुन नेमण्यात आले होते हे दाखवण्याकरिता आजरोजी माझ्याकडे कोणताही पुरावा नाही.

उलटतपास पुर्ण

फेरतपास काही नाही

श्रवणोत्तर स्विकृती

7/8/2025.

(श्रीमती प्रज्ञा व्ही.मेढे)

दिनांक – ०७.०८.२०२५ अति.मुख्यन्यायदंडाधिकारी, उस्मानाबाद

c/260

R.C.C. No. 398/2002
Exh. No. 676

Deposition of witness No. 1 for State.

I do hereby state on solemn affirmation that:

My name is : Baliram Parasram Rathod.
Age about : 58 years.
Occupation : Retired.
Residence at : Pune.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 26/4/2002 I was working as Divisional Joint Registrar, Co-operative Societies, Latur Division, Latur. My duty was to inspect the working of, supervision and control and to inspect the record and give the guidance to the co-operative societies in four districts existing in my division. On 26/4/2002 the letter was given to the Special Auditor (Bank) requesting to inspect the account of District Central Co-operative Bank, Osmanabad on certain points and to give the report as news paper and media has reported about the fraud and misappropriation of money in District Central Co-operative Bank, Osmanabad. The said letter was issued to one L.M.Pawar, Special Auditor (Bank). Accordingly, the said Pawar inspected account of the bank and submitted the report. Thereafter he submitted the report to us. In the said report it was mentioned that the bank has committed the fraud and misappropriation of the amount of Rs. 29,99,34,591/-. The said report was submitted to us on 29/4/2002. Thereafter I submitted a complaint to the City Police Station, Osmanabad. Complaint now shown to me, it bears my signature, contents are true, it is at Exh. 677. I have also submitted the inspection report with the said complaint. The said report now shown to me, it bears the signature of Pawar, its contents are true. The Divisional Joint Registrar, Co-operative Society, Latur has given the authority on 8/5/2002 to me to file the complaint. The said authority letter now shown to me, it is the same, its contents are true, it is at

Exh. 678.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

It is true to say that I have mentioned in my complaint that one Bhupalsing @ Santajirao Rajenimbalkar personally responsible for the said fraud. It is true to say that I have not filed on record any order directing Pawar to conduct the audit of the bank. It is true to say that I have mentioned in my complaint that accused though purchased securities but not submitted the receipts(RBI).

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

I have no knowledge about the securities. I have no knowledge about the Bombay Stock Exchange and National Stock Exchange. It is not true to say that anybody has pressurized me to file the complaint. It is true to say that the audit of the O.D.C.C. bank is conducted twice, one at official and another at internal. It is not true to say that due to the political pressure I filed this complaint.

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

It is true to say that I have no personal knowledge about the incident. I have no personal knowledge about how to conduct the audit. It is not true to say that I field this complaint under the political pressure. It is not true to say that I deposed false.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

It is true to say that if there is an excess amount in co-operative bank required to be deposited in co-operative bank only. It is true to say that Nagpur D.C.C. Bank has deposited the amount of 30 crores in Osmanabad D.C.C. Bank.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

I do not recollect for what period I asked Pawar to conduct the inspection of the bank. I don't know at what date Pawar has

conducted the inspection of the bank. The inspection report of Shri. Pawar was received on 29/4/2002. I was not aware at the time of filing the complaint which circular and the rules were contravened by the accused at the time of purchase of the security. It is true to say that when the inspection report was received I was working as the Divisional Joint Registrar. It is true to say that after receipt of the report I myself not personally visited the bank and taken the inspection of the record. I don't know whether before filing of complaint crime No. 45/2002 was registered at Mumbai on 5/5/2002. I don't know whether crime No. 158/2002 was also registered by M.R.A. Mark Police Station, Mumbai.

Cross.exam. by Adv. Shri.M.S.Patil for accused No.7

It is true to say that I also worked at Osmanabad as District Deputy Registrar. It is true to say that I also aware that District Central Co-operative Bank is having its own account in Maharashtra State Co-operative Bank at Mumbai. It is true to say that I was also working as a Representative of the Government on Board of Director of O.D.C.C. Bank. It is true to say that I filed the complaint only against the Pawanraje Nimbalkar. It is true to say that I have not mentioned the name of other accused in the said complaint. I cannot state whether the internal transfer entries can be made in Maharashtra State Co-operative Bank, Mumbai. I know the name of Stock Exchange. I don't know about the branches of the Stock Exchange. I don't know about the Home Trade and about their transactions. It is not true to say that as all the transactions was taken place at Mumari I have no right to file the complainant to Osmanabad Police Station.

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Adopted the cross-examination conducted on behalf of accused No.4

Re-exam. Nil.

R.O. & A.C.

25/6/14

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :- 25/6/2014.

In view of order on the application filed by the prosectuion below Exh. 929/1, further examination-in-chief of PW-1 Baliram Parasram Rathod on oath by APP Shri. V.S.Shevalkar

On 29.04.2002 I was working as Divisional Joint Registrar Co-Operative Society Latur Division at Latur. At that time I had issued letter dt. 26.04.2002 to Spl. Auditor Bank Latur Division namely Shri. L.M.Pawar for submitting Special Report on the audit report submitted by Osmanabad District Central Co-Operative Bank. According to the said letter Shri. Pawar had submitted Spl. Audit Report on 29.04.2002. In the said report it was mentioned that there was misappropriation of Rs. 29 Crores in Osmanabad District Central Co-Operative Bank. I can recognize the signature on the report, if the report is shown to me. The witness is shown report dt. 29.04.2002. The said report bears signature of Spl. Auditor Shri. L.M.Pawar. Mr. L.M.Pawar is dead. I recognize his signature. The signature of Shri. L.M.Pawar on the Spl.Audit Report is marked at **Exh. 945.**

Cross examination of the witness by Adv.Shri. B.S. Jagap for Accused No. 3

I do not recollect as to whether I had filed the letter dt. 26.04.2002 given by Shri. L.M.Pawar alongwith the FIR. I had not visited the Osmanabad District Central Co-Operative Bank in respect of audit report. it is not true to say that I do not have personal knowledge about the audit report. It is not true to say that I have deposed falsely in my examination in chief.

Cross- examination of witness by Adv.Shri. S.V.Tambe for accused No. 4

Adopted the cross examination conducted by Shri. B.S.Jagtap advocate for accused No. 3.

Cross- examination of witness by Adv.Shri. A.D.Gapat for accused No.5

Adopted the cross examination conducted by Shri. B.S.Jagtap advocate for accused No. 3.

Cross- examination of witness by Adv.Shri. M.S.Patil for accused No.7

It is true to say that the office of Special Auditor is independent from our office i.e. Office of Divisional Joint Registrar Co-operative Society. It is true to say that I was not present alongwith Shri. Pawar at the time of conducting audit. We do not have supervision over the daily work of the Spl. Auditor. It is true to say that I have not done the audit work alongwith Shri. Pawar. I was not aware about the death of Shri. Pawar till coming to the court for giving evidence. I do not recollect as to whether I had given the statement prior to this that I recognize the signature of Shri. Pawar.

Ques- Is it true to say that you are deposing for the first time before the court you recognize the signature of Shri. Pawar ?

Ans - I do not recollect whether I came across such incident prior to this.

Cross- examination of witness by Adv.Shri. R.R.Garad for accused No.8

Adopted the cross examination conducted by Shri. M.S.Patil advocate for accused No. 7.

Cross- examination of witness by Adv.Shri. V.V.Shinde for accused No.9

It is not true to say that the contents of my examination in chief i.e. "I had issued letter dt. 26.04.2002 to Shri. L.M.Pawar. According to the said letter Shri. Pawar had submitted Spl. Audit Report on 29.04.2002. In the said report it was mentioned that there was misappropriation of Rs. 29 Crores in Osmanabad District Central Co-Operative Bank." were not stated by me to the police at the time of lodging FIR and also not deposed before the court at the time of giving my evidence. It is not true to say that I am deposing about the abovesaid contents for the first time before the court. It is not true to say that I have falsely deposed in my examination in chief that "I had issued letter dt. 26.04.2002 to Shri. L.M.Pawar. According to the said letter Shri. Pawar had submitted Spl. Audit Report on 29.04.2002." It is not true to say that I have falsely deposed in my examination in chief that "In the said report it was mentioned that there was misappropriation of Rs. 29 Crores in Osmanabad District Central Co-Operative Bank." It is not true to say that the signature on the Spl.Audit Report does not belong to Shri. L.M.Pawar. It is not true to say that L.M.Pawar had never conducted Spl. Audit of Osmanabad District Central Co-operative Bank and he had never submitted Spl. Audit Report in that respect. It is not true to say that today I am deposing falsely.

Cross- examination of witness by Adv.Shri. P.M.Nalegaonkar for accused No.10

Today I have not brought alongwith me the letter dt. 26.04.2002 given to Shri. L.M.Pawar. It is true to say that today I

am not having evidence to show that Shri. L.M.Pawar was appointed as Spl. Auditor.

Cross examination completed.

Re-Examination: Nil

R.O. & A.C.

7/8/2025.

Date:-07-08-2025

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

TRUE COPY
सहाय्यक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
&
Compared by

RCC No. 398/02
सरकार / पवन कोल

मकामुनु (...)-३-२००८-५,००,०००-पीएच
G. L., D. ..., No. PST-4451-64961-E.
dt. 10-...

दिवाणी अं २७ म. इं.
Civ. A 27 m. e.

नि. क्र. E<3
Exhibit No.

तर्फे साक्षीदार क्रमांक 2 यांची जवानी

Deposition of Witness No. 2 for the सरकार नगे

मी याद्वारे प्रतिज्ञापूर्वक निवेदन करतो की–
I do hereby on solemn affirmation state that--

माझे नांव
My name [illegible]

वडिलांचे नाव
Father's name [illegible]

धर्म
Religion

वय सुमारे ४० वर्षे
Age about 40 Years

व्यवसाय
Occupation मजूरी

निवासस्थान
Residence [illegible]

जिल्हा
District [illegible]

सरतपासणी
Examination-in-chief

दि. १८/५/2002 रोजी मला पोलीसांनी पो.ठाणे येथे बोलाविले होते. ते वारंगल पोलीस ठाणे मध्ये बोलविले होते. तेथे पंच चंद्रशेखर चौकशी व माझा जबाब घेतला. पो.ठाणे मध्ये डी.एस.पी. कॉर्ड बाजूला घेऊन मोठे साहेब सरकार होते त्यांचे नांव पी.आय. रेड्डी यांनी पंचनामा कुलर पंचनामा तयार केले मला वाचून दाखविला तो बरोबर आहे तो शिवाजी ६८४ वर आहे. त्यावर माझी सही आहे मजकूर बरोबर आहे. मला आता ३५ पेपर दाखविण्यात आले ते ए.ते १/३४ वर आहेत. प्रत्येक पेपरवर माझी सही घेतली आहे.

उलट तपास आरोपीने ३ नंबर लावलेले कॉड

नाकारले

आरोपीने ४ नंबर ची एक्सट्रा पावती कॉड.

माझे शिवाय १० की नायास आले त्यांना जागा मला पोलिसांनी हात उडवा बोलविले होते. लडाखी ५=०० वा मी मजूरी लावी करीत पडतो मला उजागराड येथे घेऊन एक लाख लागतो गावापासून उजागराड फॉर्ट हे ६ कि.मी आहे. हे खरे आहे की पोलिसांनी लोणिलावरून मी पंचनामावर सही घेतली आहे हे खरे आहे की पोलिसांनी पंचनामा उडवा केवळ होता. लावर मी सही घेतली.

आरोपीने ४ नंबर ची लाल कॉड.

नाकारले

आरोपीने ५ नंबर ची जपाई कॉड

नाकारले

आरोपीने ८ नंबर गरुड कॉड

नाकारले

आरोपीने ९ नंबर. व्ही. व्ही. शिंदे कॉड

पंचनामाविषय मजकूर मला मान्य नाही

आरोपीने १० नंबर नवलगावर कॉड

मी पोलीसांचे येथे रात्री १०=०० वा गेलो होतो पंचनामावर लेखनाची १०=०० वा लेखन घेतले.

मुद्दे नमाज पढ़ी

दिनांक - 30/6/98

आरोपीचे निवेदन संपले

मुद्दे नमाज पढ़ी

c/223

R.C.C. No. 398/2002
Exh. No. 683

Deposition of witness No. 2 for State.

I do hereby state on solemn affirmation that:

My name is : Daji Dattu Karwar.
Age about : 47 years.
Occupation : Labour work.
Residence at : Raghuchiwadi, Tq. & Dist. Osmanabad.

Exam-in-Chief by Spl. P.P. Shri.B.N.Karanjkar for State.

On 18/5/2002 police called me in the City Police Station. Another panch Chandrashekhar Chougule was with me. In the police station one More of D.C.C. Bank was present with papers. P.I. Reddy has prepared the panchnama. Panchnama after reading over its contents I signed panchnama. Now panchnama is shown it me, it bears my signature, contents are true, it is at Exh. 684.

Now 35 articles are shown to me which were produced by the More before the Police. They were at Article A-1 to A-34. All the papers bears my signature.

Cross.exam. by Adv. Shri.S.T.Tanwade for accused No.3

Declined.

Cross.exam. by Adv. Shri.M.S.Patil for accused No.7

I am non matric. While I was proceeding police called me in the police station. I used to left the house at about 7 a.m. for labour work. It takes one hour to reach Osmanabad from my village. Distance between my village and Osmanabad is about 6 k.m. It is true to say that I signed on the panchnama as per the direction of the police. It is true to say that I just over the panchnama which was prepared by the police in advance.

Cross.exam. by Adv. Shri.S.V.Tambe for accused No.4

Adopted the cross-examination conducted on behalf of accused No.7

Cross.exam. by Adv. Shri.A.D.Gapat for accused No.5

Adopted the cross-examination conducted on behalf of accused No.7

Cross.exam. by Adv. Shri.R.R.Garad for accused No.8

Adopted the cross-examination conducted on behalf of accused No.7

Cross.exam. by Adv. Shri.V.V.Shinde for accused No.9

I do not know the contents of the panchnama.

Cross.exam. by Adv. Shri.P.M.Nalegaonkar for accused No.10

I went to the police station at about 10 p.m. night. Police obtained my signature over the panchnama at 10 p.m.

Re-exam. Nil.

R.O. & A.C.

(U.T.Pol)
Chief Judicial Magistrate,
Osmanabad.

Date :- 30/6/2014.

TRUE COPY
29-12-3
सहाय्यक अधिक्षक
मुख्य न्यायदंडाधिकारी यांचे न्यायालय
उस्मानाबाद

Xerox by
&
Compared by

D-1197 Exh. 112

IN THE COURT OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE,

AT : OSMANABAD.

Cri. Bail Appl. No._____/2002.
R.C.C. No. 898/02
Cr. No. 106/2002.
Police Station : City P.S.Os'bad.
Charge U/sec.406,409,420,r/w 34 of I.P.C.

Complainant :- The State of Maharashtra.

V/s.

Accused/Applicant:- Subodh s/o Chanddayal Bhandari, Age-37yrs, Occu-C.A,, R/o B-703, Govind Complex, Sec.14, Washi, New Mumbai.

Subject :- Application for Bail U/sec.437 ofCr.P.C.

Herein, the accused/applicant most respectfuly submits as under :-

MAY IT PLEASE YOUR HONOUR.

1- That, the complainant namely Bali Parasram - Rathod, Divisional Addl, Registrar, Co-op Sanstha, - Latur, had lodged a complaint to Police of the City P.S. at Osmanabad on 8th May-2002 at about 19.00 p.m. - alleging that, the present accused applicant in colusion with the common intention with another accused persons in the above C.R. Number cheated to the " Osmanabad - D.C.C.Bank of Rs. 29,99,34,591/- crores.

He further alleged that, the present accused - applicant giving the false contract notes to the one - of the accused and Chairman namely Pawanraje Nimbalkar - for purchasing the Govt. securities etc.

2- That, on the basis of these allegations, the - Police of the City P.S. Osmanabad had lodged the F.I.R. vide No.106/2002 under the charges punishable U/sec. 406 409,420 r/w 34 of I.P.C. on 8/5/2002.

A.P.P. to say
16-11-02

Say
sufficient time may be granted for filing say
Mhokate
APP.
16.11.02

Received copy
Mkokale
App.
16.11.02

3- That, the present accused/applicant was arrested on 13/9/2002 at about 11.00 a.m. and produced before this Hon'ble Court on the same day. The Hon'ble Court remanded the acused P.C.R. till 14/9/2002 for one day. After - granting sufficient P.C.R. the accused/applicant remanded to M.C.R. by this Hon'ble Court till 28th Sept-2002. Now the accused applicant is in M.C.R.

4- That, the applicant is a Chartered Accountant - by profession and he is earns his living out of legal and peaceful means. The applicant has an experience ofworking with stock broking company. The applicant was working - with Lloyds Brokerage Limited in Kolkata since 1995. The applicant in the begining of his career with Lloyds Brokerage Limited was appointed as a Relationship Manager situate at Kolkata. Considering the work performance of - the applicant, the applicant was invited to Bombay in the year 2000. The applicant further says and submits that, - the Company Lloyds Borkerage Limited was taken over by a Mauritius Company in the year 1998 and the Company's name was changed to Euro Asian Securities Limited and - thereafter to Home Trade Limited in January-2000. The job of the Applicant at the said company was developing - websites in consultation with Software Developers for - setting up an Internet based online trading solution for retail /investors in India.

5- That, the Case of the prosecution against the - applicant is that, the applicant was aVice President - of Home Trade Limited and he was looking after Debt Market Division. A charge of consipracy with the Directors of - O.D.C.C. Bank limited is being levelled against the - applicant and thereby such an Act of the applicant huge - publicfunds have been siphoned off. It is further alleged that, the applicant in association with the other d

D-1199

of the Company and in conspiracy with some Directors - of O.D.C.C. Bank ltd., did prepare bogus contract notes and bills, issuing purchase and sales of Government - Sucurities for the Bank and on submitting the same - obtained the amount from the Bank. However,he had did not give physical delieries of the Securities as mentioned in the Contract note now it was demanded by the Banks - Official also and thereby the Bank has been cheated to - croresof Rupees.

6- That, the applicant says and submits that, the arrest of the Applicant is totally illegal and bad in law as such the applicant was only an employee working with the Home Trade of which Mr. Sanjay Agrwal was the Chief - Executive Officer. All the Actions and decisions were - taken by Mr. Sanjay Agrwal and his Associate directors - The relation of the applicant with Mr. Sanjay Agrwal - was totally as an employee and employer. Marked hereto - and annexed as Annesure "A". is a copy of the appoint- -ment Letter and also letter showing the amount of - remuneration that, the applicant would be getting in working with the company of Mr. Sanjay Agrawal.

7- That, the applicant further says and submits - that, the applicant being a chartered Accountant by - profession, he also has specialised knowledge in IT (Information Technology) and Internet Industries. He - was hired by Mr. Sanjay Agarwal in Order to Use the - expertise of the applicant in developing various Websites which wold be useful for online trading of securities in the Indian Security Market. Apart from this Job there - was nothing else to show as to the applicant having any knowledge for any act or Omission being done by various - [illegible] Houses of the Companies which the -

Applicant would be directly related. The applicant - has only carried out instruction ofthe Bosses the - applicant has not at all conducted any Act to which it - can be shows that, he has conspired to cheat the Bank as alleged.

8- That, the applicant further says and submits - that, the allegations of the prosecution in the F.I.R. as well as in the Remand Application is that the applicant had signed certain contract notes. This does not enable the prosecution to level a charge of conspiracy of a - charge of cheating against the applicant. It can be - seen that these contract notes was not only signed by him but it was initially signed by Head of the Department of Debt. Desk. The allegation therefore, that, the - signature on the contract notes of the applicant does not hold good presuming and assuming for the sake or argument that, the applicant has put a signature on the contract - notes would only show that, he has carried out instruction on the direction of his employer and as a capacity of - the employee he has executed that, direction. However, it cannot be shown that, the signature on the contract - notes are of the applicant at this stage.

8- That, the applicant further says and submits- that, the entire case is based on documents and thereby signature on the said documents and the same are with - the prosecution. Hence custody of the applicant is not - at all necessary.

9- That, the applicant says and submits that, - the allegation of the prosecution does not stand good in view of the fact that, delivery of the securities - has not taken place as such the applicant was not at -

all responsible for the delivery ofthe said securities nor he was responsible for receipt of any payments made to him. The knowledge ad intention are the basic - factors to attract section 409 and 420. There is also nothing to show that, the said delivery of the securi- -ties was given to the applicant in view of he had - signed the contract notes. In Order to attract Section 467,409,420 of the I.P.C. a two way transactions are - necessary which would go to show the completion of a - particular offence.

10- That, the only allegations against the - applicant that, he has signed the contract notes . Apart from this there is nothing to show on record that, the applicant has received any delivery of the securities or the applicant had received any amount eitherin cash or in cheque or in demand draft through any persons or person into his account.

11- That, the applicant further says and submits that, there is no question of the applicant forging any document. If the allegation of the prosecution is that the applicant has signed certain contract notes there - cannot be subsequent allegation that, he has forged - anybody's signature. Therefore, sec. 467 cannot be - attracted in the case of the applicant. The applicant - has not at all imitated or forged signature of any person or directors of the company and thereby he has not caused any wrongfulgain to himself or wrongful loss- to others.

12- That, the applicant says and submits that, the applicant has never transacted or contract any - officials of O.D.C.C.Bank for the purpose of buying or - selling [illegible] on behalf of the

Company.

13- That, the applicant further says and submits that, the applicant at the time of joining the said - company was of a firm belief that, the company was an ambitious project and that it would be a challenge in - the field of Information and Technology for the applicant. Since it involved distribution of financial service for retail investors in India through the - Medium of Internet. The transaction where the applicant is signatories to the said contract notes were on a principal to principal basis and thus it is not possible to ascertain the funds those received were for payment to corresponding Market intermediary more particularly when the applicant was not in charge of the WDM Desk (Wholesale debt Market Desk) and had never received - any complaints or calls for non-receipt or non delivery of Government securities from the Bank. The applicant has done his work in good faith and he has discharged his duties as an employee of the said company without knowing the repercaussions of an Act done by the basses of the company.

13- That, the applicant says and submits that, - the applicant has not received a single penny into - his account out of the said amount which will go to show his intention and his application of mind towards the - said work.

14- That, the applicant further says and submits that, there is not even an iota of evidences which - would go to show the accused towards the case property have been defrauded. The applicant says and submits - that, he had been wrongly framed in the said case - and without there being any material connect the -

the applicant in the said case. The applicant has also not been named in the F.I.R.

15- That, the applicant further says that, the applicant has fixed place of residence in Mumbai and he is a professional and earn his living out of legal and peaceful means.

16- That, the applicant's wife is also a chartered Accountant and have roots in the Society.

17- That, all the leading accused were already released on bail by this Hon'ble Court. charge sheet is also filed by the I.O. hence there is no necessity to keep the accused/applicant behind the bar. Moreover, accused person is ready to abide each and every - conditions which will be imposed by this Hon'ble Court. during the consideration of this bail petition.

He is the sole bread earner of his respective family, there is no any to lookafter his family. - Considering all these aspects and change in circumstances the present petitioner is legally entitled to get the bail.

18- That, the accused/applicant is ready to furnish the P.B. and S.B. forthe the satisfaction of this Hon'ble Court, even he is also ready to abide each and every - condition which will be imposed by this Hon'ble Court, he will be easily available for the trial.

19- That, the accused/applicant not filed any bail petition in any other Court or in the Hon'ble High Court, except this one. This is the second bail applica- -tion. Ist bail application was rejected by this Hon'ble Court , only on the sole ground that, huge amount is - mis-appropriated and the prosecution alleged was remain -

D-1204

present in the said alleged meetings.

And the alleged amount is safe in the Nagpur D.C.C.Bank ltd.

HENCE IT IS PRAYED.

That, the application may kindly be allowed and Considering all these aspects and change in - circumstances accused/applicant may kindly be enlarge on bail.

Date :- 15/11/2002.

Applicant.

Subodh Chanddayal Bhandari.
R/o Washi, New Mumbai.

Through :-

Jayant V.Deshmukh,
Advocate, Dharashiv.

ooo

D·1205

ORDER ON THE APPLICATION FOR BAIL BY ACCUSED NO.8 Mr.SUBODH BHANDARI FILED AT EXH.112 IN R.C.C.NO. 382/2002 ARISING OUT OF CRIME NO.106/2002 OF OSMANABAD CITY POLICE STATION.:

1. This is successive application by accused no.8 Mr.Subodh Bhandari for grant of bail, on the above said grounds as mentioned in this application. This accused had also filed application for grant of bail at Exh.49 in this case and it was already rejected by myself on 23.9.2002 while holding the charge of C.J.M., Osmanabad. In short, this application gave the details regarding his service record and submitted that he was only an employee working with the Home Trade Ltd. and Mr.Sanjay Agrawal was the Chief Executive Officer of this company. He submitted that all the actions and decisions were taken by Mr.Sanjay Agrawal and his associate directions and he produced his appointment letter alongwith this application. He also challenged the signatures of contract note and submitted that it can not be shown that signatures on notes are of this applicant at this stage. He also took other grounds as mentioned above and submitted that he is ready to furnish surety and ready to abide by the conditions and he therefore be released on bail.

13.12.02

2. The learned prosecutor filed her say at Exh.118 and opposed this application. The prosecution submitted that the accused is prosecuted for the offences punishable U/Ss.409,420,406 r/w 34 of the IPC and all the above offences are non-bailable. The prosecution submitted that this accused is the authorised signatory of Home Trade Ltd.Mumbai and

there are many letters on record which show that the present accused has signed as authorised signatory. The prosecution submitted that the alleged offences have been committed with the help of this officer of Home Trade Ltd. and they failed to deposit the said amount in Government Security and they also failed to give receipts to Osmanabad D.C.C.Bank and they also failed to produce the security bonds. The prosecution submitted that the present accused played important role in the present offences and there is prima-facie evidence against this accused and the amount misappropriated is huge amount. The prosecution further challenged this application on the ground of jurisdiction and submitted that offence U/s 409 of the IPC is punishable with imprisonment for life and this court has no jurisdiction to release accused -and the prosecution relied on 1996 Maharashtra Law -Journal, page ____ . The prosecution also submitted that if the accused is released on bail, there is every possibility of tampering the prosecution evidence and absconding by this accused. The prosecution therefore strongly objected the release of this accused and prayed for rejecting this application.

13.12.02

3. The learned counsel for the accused argued that as per the resolution dtd.2.1.2001 passed by the Directors of Home Trade company, it is clear that the present accused was authorised to sign on -behalf of the company and the accused has not done

anything in his personal capacity. He further argued that the provisions of Section 409 of IPC are not applicable and the provisions of Section 420 of IPC are also not applicable because the said transaction is the transaction of civil nature. He further argued that there is no prima-facie case against this accused and there is no likelihood of absconding by this accused. He also placed reliance on various authorities reported in -

1)A.I.R.1993,Supreme Court,1462.

2)2002 M.L.R.565.

3)1973 S.C.C.1082.

4)A.I.R.2002 Supreme Court,482.

5)A.I.R.1997,S.C.444.

6)A.I.R.2000,S.C.1829.

He also produced list of those authorities alongwith the list of documents. I have gone through all these notes of authorities.

4. The learned prosecutor argued that the offences is committed with the help of this accused by the other accused and this accused played important role and huge amount is involved and, therefore, this accused should not be released. She further argued that the accused is involved in the offence punishable U/s 409 of I.P.C. and this application should therefore be rejected.

5. It is pertinent to note here that the previous application at Exh.49 preferred by this accused was decided by myself and it was rejected by giving details

13.12.02

reasoning over six pages. It is, therefore, not necessary to repeat many things observed by me during the decision on said application. The said application was also decided after filing of the charge-sheet. The simple question therefore arise as to whether there is in ~~circumstantial~~ substantial change in the circumstances for preferring the present application. The previous application was decided after closing of the investigation and after filing of the charge-sheet. The accused only produced 2 documents regarding resolution of the directors of Home Trade Company, therefore, this can not be a relevant change in circumstance. I have already rejected the said application by giving details below Exh.49. Since then, there is no change in circumstances and the remedy available to the present accused is only to prefer application before the Appellate Courts. There is no ~~circumstantial~~ substantial change in the circumstances for re-considering the bail application. Mere production of those two documents by the accused can not make any difference. The status of the accused as a authorised signatory of the said company was also alleged at the time of said application. There is no change in the circumstances as such. Further the question whether the documents produced alongwith list dated 7.12.2002 would absolve this accused from criminal liability requires to be decided at the time of trial and not at this stage. It is no doubt well -settled law that successive application can be made but the accused should be able to show that there

13.12.02

D-1207

Order below bail application of accused no.8 in Crime No.106/2002, at Exh.112.

is ~~circumstantial~~ substantial change in the circumstances. In the present case there is no such ~~circum~~sub-stantial change and I have already hold that the present accused played important role in the commission of the offence alongwith another directors of the said company. It is the act of this accused and director of the said company which gave rise to the said commission of the offences. Had these accused returned the said amount to the Bank or had they submitted the required Government securities and bonds, then in that case no question for filing complaint against anybody would have arisen. Hence thus for all the above said reasons, accused failed to show that there is any ~~circum~~sub-stantial change in the circumstances for re-considering his bail application and, therefore, he can not be released on bail. Hence the present application requires to be rejected. Hence, I proceed to pass the following order.

ORDER

The application is rejected.

13.12.02

Dtd:13.12.2002. (S. V. Patil.) I/c Chief Judicial Magistrate,Osmanabad.

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सहायक निबंधक 12-3-06

मुख्य न्यायदंडाधिकारी यांचे न्यायालय

उस्मानाबाद

Xerox by Computer

D-1174 /११/२००२.

प्रति,

मा.मुख्य न्यायदंडाधिकारी सो

न्यायालय उस्मानाबाद यांना स.सादर.

Box 105

विषय :- पो.ठाणे उस्मानाबाद (शहर) गु.र.नं.१०६/२००२कलम ४२० भादवि वगैरे मधील अपहारीत रक्कम २९९९३४५९१/- रू.बाबत...

रिपोर्ट :- बी.बी.रेड्डी पोलीस निरिक्षक पो.ठाणे उस्मानाबाद (शहर)

महोदय,

सविनय सादर कि विषयातील नमुद गुन्हयातील फिर्यादी नामे श्री. बळी परसराम राठोड विभागीय सह निबंधक सहकारी संस्था लातुर यांनी दि. [illegible]/५/२००२ रोजी पो.स्टे हजर येवुन लेखी फिर्याद दिली की उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅकेची तपासणी करण्याचा अधिकार श्री. लक्ष्मण मारूती पवार विशेष लेखा परिक्षक वर्ग-१ सहकारी संस्था लातुर याना दिल्यावरून त्यांनी सदर बॅकेची दि. २९/४/२००२ रोजी तपासणी केली तपासणीत त्यांना नागपुर जिल्हा मध्यवर्ती सहकारी बॅकेकडून दि. ३१/१/२००२ रोजी महाराष्ट्र राज्य सहकारी बॅक मुंबई येथील उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅकेच्या चालु खात्यात ३० कोटी रूपये जमा करण्यात आले पैकी २९९९३४५९१/- रू.मे. होम ट्रेडर्स वाशी नवी मुंबई या दलाला मार्फत शासकीय रोखे खरेदी करण्यासाठी दिनांक १/१/२००२ रोजी देण्यात आले होते सदरचा व्यवहार बॅकेचे चेअरमन पवन राजेनिंबाळकर यानी फोनवरून केला आहे. त्यानी रोखे खरेदी करून बॅकेस पावत्या दिल्या नाहीत म्हणुन त्यांनी २९९९३४५९१/- रूपयेचा अपहार करून बॅकेची फसवणुक केली असे तपासणीत आढळून आल्याचे कळविल्याने फिर्याद दिली आहे. वगैरे फिर्यादी वरून नमुद गुन्हा दाखल करून गुन्हयांचा तपास पुर्ण करून दि.१४/९/२००२ रोजी मा.कोर्टात दोषारोप नं.१५६/२००२ अन्वये दाखल केले आहे. त्याचा कोर्ट केस नं. ३९८/२००२ दि.१४/९/२००२असा आहे.

गुन्हयांच्या तपासात निष्पन्न आरोपी संजय हरीराम अग्रवाल चेअरमन मे. होम ट्रेडर्स वाशी, नवी मुंबई याने उस्मानाबाद जिल्हा मध्यवर्ती बॅकेचे चेअरमन भुपालसिंह उर्फ पवन संताजीराव राजेनिवांळकर व इतर यांनी संगनमत करून शासकीय कर्ज रोखे खरेदीच्या खोटया पावत्या देवुन उस्मानाबाद जिल्हा मध्यवर्ती बॅकेची २९९९३४५९१/- रूपयांची फसवणुक केल्याचे तपासात निष्पन्न झाले. गुन्हयांतील आरोपी संजय हरीराम अग्रवाल याने पो.क.रिमांड मध्ये असतांना उस्मानाबाद जिल्हा मध्यवर्ती सहकारी बॅकेकडून आलेली रक्कम ही नागपुर जिल्हा मध्यवर्ती सहकारी बॅकेत जमा केल्याचे सांगितले आहे. तसेच इतर उपलब्ध दस्तऐवज पुरावा व साक्षीदाराच्या तपासणीवरून अपहारीत रक्कम नागपुर जिल्हा मध्यवर्ती सहकारी बॅकेत जमा असल्याचे स्पष्ट झाले आहे. वरून दि. २८/८/२००२ रोजी आम्ही सी.आर.पी.सी. कलम १०२ प्रमाणे सदरची रक्कम गोठवण्या वाबत प्रशासक नागपुर जिल्हा मध्यवर्ती सहकारी बॅक नागपुर यांना पत्र दिले आहे. माहितीस्तव सविनय सादर.

Seen & filed 11-11-02

सविनय सादर.

(वी.वी.रेड्डी.)
पोलीस निरीक्षक
पोलीस ठाणे उस्मानाबाद शहर

सोबत :
१. दि. २८/८/२००२ रोजी सी.आर.पी.सी. १०२ प्रमाणे दिलेले पत्र
२. मा.उच्च न्यायालय खंडपीठ औरंगाबाद येथे याचिका कं.२३२/२००२मध्ये देण्यात आलेले शपथ पत्र
३. दि.२६/८/२००२रोजीची पो.क.रि.ची यादी.

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उस्मानाबाद

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D-1165

IN THE COURT OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE,

AT : OSMANABAD.

Bxy 102

R.C.C.No.398/2002,

State of Maharashtra

-Versus-

Bhupalsingh & others.

Or
A.P.P. to say
30-10-02

Charge:- U/sec.218.406,409,420.468,471,120(B) of I.P.C.

Claim:- Petition for bail U/sec.437 of Cr.P.C.inrespect of Crime No.106/02 of City Police Station Osmanabad.

Date of arrest:- That the above petitioner is arrested on 18.7.2002and he was in P.C.till 31.08.2002 and from 31 .08.2002 to till today he is in magistrate custody.

That, the ~~xxxx~~ accused No.7 i.e.Sanjay Hariram Agrawal begs to submit ~~is~~ his bail application is as under:-

MAY IT PLEASE YOUR HONOUR

1. That,it is the case of the prosecution that,Circle additional Registrar Co-operative/~~Department~~ Society Latur has filed a complaint on 8.5.2002 before the Police Station, Osmanabad by alleging that,Special Auditor Co-operative Societies Class-I Latur Shri.L.M. Pawar complited the audit of Osmanabad D.C.C.Bank and he submitted his report and in his report he mentioned that D.C.C.Bank Nagpur deposited the amount of ~~Rs~~ Rs.30 Corror on 31.1.2002 in the account of D.C.C.Bank Osmanabad, the M.S.C.Bank Mumbai, than the Chairman of

Say

That today the prosecution has received copy so time be granted for submitting say

SPI APP
30/10/02

D-1166

amount of Rs.29,99,34,591 out of said amount paid to Home Trade Washi,Mumbai for purchasi ng the Government security. It is alleged that,the said transactions made on Phone massage of the Chairman of D.C.C.Bank of Osmana_ -bad. and it is alleged that,after paying the said amount Chairman of D.C.C.Bank Osmanabad had not produced the original receipts of Govenment Security. It is further, alleged that,without producing original receipts of Government security the Chairman of D.C.C.Bank Osmanabad cheated to Bank and he mis-appropriated the amount of Rs.29,99,34,591/-.

2) On the basis of said complaint City Police Station Osmanabad registered an offence at Crime No. 106/2002 U/sec.218.406,409,420,468,471,120(B) of I.P.C. against the Chairman of D.C.C.Bank Osmanabad and other persons.

3) That,the concerned police arrested to the above petitioner in the said crime on 18.7.2002 and at present he is in magistrate custody.

4) That,the above petitioner has no concerned inrespect of said offence but he is falsely involved inthe present case.

5) That, initially the above petitioner submitted his bail application before this Hon'ble Court as per Exh.No.69 but same is rejected by this Hon'ble Court.

6) That,after rejecting the said application this Hon'ble Court has allowed the bail application of accused No.1,6,and 10 and the charges laveled against accused No.1,6,10 and 7 are one and same, therefore the principle of pariaty is tobe apply in the present case and the above petitioner is tobe released on bail. Therefore, the change in circumstances the above

D-1167

petitioner is submitting the bail application before this Hon'ble Court.

7) That, the above petitioner is inocent person in the said case and he is falsely involved in the present case.

8) That, the name of the above petitioner is not mentioned in F.I.R. as well as if entire charge-sheet is perused no any evidence is brought on record to show the involvement of the above petitioner.

9) That, the above petitioner is not Government Servant as well as he is not a banker, therefore section 409 of I.P.C. is not applicable in the present case.

10) That, the alleged offences are exclusively triable by this Hon'ble Court.

11) That, the concerned police have not added as a accused to the all director or Home Trade Company.

12) That, the alleged offence is depend on documentory evidence and all concerned record is already sealed by the concerned police and nothing is tobe recovered from the above petitioner. Thefefore, further magistrate custody of the above petitioner is not required.

13) That, the above petitioner is ready to give surety and P.R.bond as per order of this Hon'ble Court.

14) That, the investigation of this case is already complited and charge-sheet has been submitted before this Hon'ble Court.

15) That, the above petitioner sou-mo to appeared before J.M.F.C. Nagpur on 11.5.2002 in Crime No.101/2002 and J.M.F.C.Nagpur initially granted P.C.R.

D-1165

than he is remandedd to M.C.R. It meanse from 11.5.2002 he is under custody.

16) That, the above petitioner is permanantely residing at Bombay and he will not abscond as well as he will not tamper the prosecution evidence.

17) That, the above petitioner is ready to abide any conditions which may be imposed by this Hon'ble Court.

18) That, the convection provided for section 406, 468, 420 and 471 are not death or life improanment and the above mentioned offences are exclusively triable by this Hon'ble Court.

19) That, the above petitioner had not filed any other bail petition, nor any other bail petition is pending before Hon'ble High Court or any other court, except this petition.

20) That, any other ground will be argued at the time of final hearing which are not specifically mentioned in this petition.

HENCE IT IS PRAYED

That, the application may kindly be allowed and above petitioner may kindly be released on bail in Crime No.106/2002 of City Police Station Osmanabad.

Dated:- 28.10.2002.

-Petitioner/Accused-7

Sanjay Hariram Agrawal,
r/o Mumbai.

Through:

(P.M.Nalegaonkar),
Advocate, Osmanabad.

Received copy

D-1169

Order passed below bail application of accused Exh.102 Sanjay Hariram Agrawal in Reg.Criminal Case No. 398 of 2002 State Vs. Bhupalsingh and others.

***

1. This is successive application by accused No.7 Sanjay Agrawal for grant of bail. This accused has already preferred application for grant of bail as per Exh.69 on previous occassion in this case. He preferred the present application on the above said ground mentioned in this application and prayed for release him on bail.

2. The learned A.P.P. filed it's say at Exh.108 and opposed this application. The learned A.P.P. submitted that the accused is prosecuted for the offence punishable under sections 409, 420, 406 r.w.34 of Indian Penal Code and all the above offences are cognizable and non-bailable. The prosecution has submitted that this accused is the Chairman of the Home Trade Company of Washi and he is the main offender in this case. The prosecution submitted that the accused No.1 handed over the amount to this accused and till to-day no Government securities are submitted by the accused and no amount is returned by him. The prosecut--on submitted that there is prima-facie evidence again--st the present accused and huge amount is misappropri--ated by violating the rules. The prosecution submitted that the contention of the accused that other accused are released on bail and hence this accused should be released on bail cannot be a criteria. The prosecuted submitted that the offence under section 409 of I.P.C. is punishable with imprisonment for life or imprisonme-nt for 10 years and therefore this court has no

26-11-02

jurisdiction. The prosecution submitted that if this accused is released, there is every possibility of tampering the prosecution evidence and absconding by the accused. The prosecution submitted that - considering the serious nature of the offences, the prosecution strongly objects the release of this accused on bail.

3. I have heard Shri Nalegaonkar learned counsel for the accused and ~~Shri~~ Smt. Kokate learned A.P.P. on behalf of the prosecution. The learned counsel for the accused argued that this accused has no concern with the transaction in this case and he is forcinly impleaded in this case and he was only Managing Director of the said Home Trade. The learned counsel for the accused also argued that the provisions of 409 of I.P.C. are not applicable and at most the offence only under section 420 can be said to be made out and therefore the accused be released on bail. On the other hand the learned prosecutor Smt. Kokate argued that he is the main offender and there is likely-hood of tampering with the evidence and absconding by the accused. She argued that huge amount is misappropriated and therefore this application be rejected.

4. The learned counsel for the accused also argued that other accused in this case are released and therefore present accused should be released on the ground of parity. It is pertinent to note here that merely because the present accused is also a accused in this case cannot be said that there is parity. The role played by the present

D-1170

accused is important. If this accused would have submitted the Government securities as agreed, no offence probably would have been registered. Thus the role played by the accused is different and therefore the ground of parity cannot be applicable. In addition to this the application of this accused is already rejected as per order below Exh.69 passed on 3.10.2002. Since then there is no substantial change in the circumstances and therefore the present application cannot be considered. I have already given the detailed reasons while passing the order below Exh.69. The applicant thus has not made out any strong case for grant of bail. The application is therefore liable to be rejected. Hence following order.

Order.

The application is rejected.

Dt/-26.11.2002.

(S.V.Patil)
I/c Chief Judicial Magistrate,
Osmanabad.

***

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12-3-26
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(Incorporating The Vidarbha Co-op. Bank Ltd.)

क.सीकेजी/सीए-लिगल/फा-१०१/229 /२००२-०३ D-1082

दि. 09-10-2002

मा. पोलीस निरीक्षक,
पोलीस ठाणे उस्मानाबाद (शहर),
उस्मानाबाद

विषय - पोलीस ठाणे उस्मानाबाद शहर गु.र.क्र. १०६/२००२ कलम ४०६,४०९, ४२०, ३४ भा.द.वि. च्या गुन्ह्याचे तपास कामी लागणारे मुळ दस्तऐवज पुरविणे बाबत...

संदर्भ - मा. पोलीस निरीक्षक पोलीस ठाणे उस्मानाबाद यांचे जा. क्र. १०१८/२००२ दि. ७-९-२००२ चे पत्र...

उपरोक्त विषयासंदर्भात आपण मागणी केल्यानुसार गुन्ह्याच्या तपासासंदर्भात आवश्यक असलेले खालील शाखेत नमुद केलेले मुळ दस्तऐवज सोबत जोडीत आहोत, सदर मुळ दस्तऐवज गुन्ह्याचा तपास पूर्ण झाल्यानंतर सुस्थित बंकेला परत करावे, तसेच १) चालू खाते क्र. १०१/५७५१ २) चालू खाते क्र. ७३/४७०१ व ३) चालू खाते क्र. ३ए१७०३१ याची आपण सादर केलेली स्टेटमेंट प्रमाणीत करुन सोबत जोडली आहेत.

अ क्र.	तपशिल	शेरा
१	दि. २००२ रोजी नागपूर जिल्हा मध्य. सह. बंक लि., यांच्या चालू खाते क्र. १०१ / ५७५१ ला सायफर कोड क्र. ३७७२५८ नुसार जमा करण्यात आलेल्या रु. ५००००००००/-(रु. पन्नास कोटी) क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर
२	दि. ३१जानेवारी २००२ रोजी नागपूर जिल्हा मध्य. सह.बंक लि., यांचे कडून प्राप्त झालेला फक्स संदेश सायफर कोड क्र. ३७७२५८ वेळ १०.५५	मुळ फक्स संदेश
३	दि. ३१ जानेवारी २००२ रोजी नागपूर जिल्हा मध्य. सह. बँकेच्या चालू खात्याला सायफर कोड क्र. १५२२५८ नुसार नांवे टाकण्यात आलेल्या रक्कम रु. २००००००००/-(रु.विस कोटी) चे डेबीट व्हाऊचर.	मुळ डेबीट व्हावचर
४	दि. ३१ जानेवारी २००२ रोजी नागपूर जिल्हा मध्य. सह.बंक लि., यांचे कडून प्राप्त झालेला फक्स संदेश सायफर कोड क्र. १५२२५८ वेळ १३.२०	मुळ फक्स संदेश
५	दि. ३१ जानेवारी २००२ रोजी नागपूर जिल्हा मध्य. सह. बंकेच्या चालू खाते क्र.१०१/५७५१ ला सायफर कोड क्र. २२७२५८ नुसार नांवे टाकण्यात आलेल्या रक्कम रु. ३००००००००/-(रु.तिस कोटी) चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
६	दि. ३१ जानेवारी २००२ रोजी नागपूर जिल्हा मध्य. सह.बंक लि., यांचे कडून प्राप्त झालेला फक्स संदेश सायफर कोड क्र. २२७२५८ वेळ १४.२५	मुळ फक्स संदेश
७	नागपूर जिल्हा मध्य.सह.बंक लि., यांच्या चालू खाती दि.३१ जानेवारी २००२ रोजी ट्रन्ककॉल चार्जेस नांवे टाकण्यात आलेल्या रक्कम रुपये १३८/-चे डेबिट व्हावचर	
८	नागपूर जिल्हा बंकेच्या चालू खाती दि. ३१ जानेवारी २००२ रोजी ट्रन्ककॉल चार्जेस नांवे टाकण्यात आलेल्या रक्कम रु. ४२/- चे डेबीट व्हाऊचर	मुळ डेबीट व्हावचर

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९	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बँक लि.,नागपूर यांचे चालू खात्याला सायफर कोड क्रं. २२७४०५ नुसार रु. ३००००००००/-(रु.तिस कोटी) नावे टाकण्यात आले त्या रक्कमेचे डेबीट व्हाऊचर.	मुळ डेबीट व्हावचर
१०	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्य. सह.बंक लि., यांचे कडून प्राप्त झालेला फक्स संदेश सायफर कोड क्र. २२७४०५ वेळ ११.३०	मुळ फेक्स संदेश
११	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बंक लि.,नागपूर यांचे चालू खात्याला रु. ४२१.५० नावे टाकून वसुल केलेले डी डी कमिशन चे डेबीट व्हाऊचर.	मुळ डेबीट व्हावचर
१२	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बंक लि.,नागपूर यांचे चालू खाते क्रं.५७५१ ला जमा केलेल्या रु. २९९९९७६६.६७ चा चेक क्रं. ६९५१७७ चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर
१३	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बँक लि.,नागपूर यांचे चालू खात्याला सायफर कोड क्रं.९०७३ नुसार नावे टाकलेल्या रक्कम रु. ४२४९८५४/-(रु. बेचाळीस लाख एकोण पन्नास हजार आठशे चौपन्न) चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
१४	दि.१ फेब्रुवारी २००२ रोजी नागपूर जिल्हा मध्यवर्ती सहकारी बँक लि.,नागपूर यांचे कडून प्राप्त झालेला फँक्स संदेश सायफर कोड क्रं. ९०७३ वेळ ११.३०	मुळ फेक्स संदेश
१५	दि. ३१ जानेवारी २००२ रोजी उस्मानाबाद जिल्हा मध्य. सह.बंक लि., यांच्या चालू खाते क्रं. ७३/४७०१/४८ (पारगांव शाखा) ला जमा केलेल्या रक्कम रु.११३३०६/- चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर
१६	दि. ३१ जानेवारी २००२ रोजी उस्मानाबाद जिल्हा मध्य. सह.बंक लि., यांच्या चालू खाते क्रं. ७३/४७०१/४ (बालसर शाखा) ला जमा केलेल्या रक्कम रु. १२४५३/- चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर

१७	दि. ३१ जानेवारी २००२ रोजी उस्मानाबाद जिल्हा मध्य. सह.बँक लि., (कोड.पी.शाखा) यांच्या चालू खाती नावे टाकलेल्या रक्कम रु.१०/-चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
१८	दि. ३१ मार्च २००२ रोजी उस्मानाबाद जिल्हा मध्य. सह. बँकेच्या चालू खाते क्रं. ७३/४७०१/१ ला सायफर कोड क्रं. २२७२५८ नुसार जमा केलेल्या रक्कम रु.३००००००००/-(रु. तिस कोटी)चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर
१९	दि. १ फेब्रुवारी २००२ रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि., यांच्या चालू खाती नावे टाकलेला चेक क्रं. ०२७६२३ रक्कम रु.३५३७/-	मुळ चेक
२०	दि. १ फेब्रुवारी २००२रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि., यांच्या चालू खाती नावे टाकलेला चेक क्रं. ६२३७४१ रक्कम रु.५१०३९/-	मुळ चेक
२१	दि. १ फेब्रुवारी २००२रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि.,यांच्या चालू खाते क्रं. ७३/४७०१/१ ला सायफर कोड क्रं. २२९०१३ नुसार नावे टाकलेली रक्कम रु.३००००००००/-(रु.तिस कोटी) चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
२२	दि. १ फेब्रुवारी २००२रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि., यांचे कडून दुपारी १.१५ वाजता प्राप्त झालेला दुरध्वनि संदेश पत्र क्रं. ०१०७३०	मुळ दुरध्वनी संदेश पत्र क्रं. ०१०७३०
२३	दि. १ फेब्रुवारी २००२रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि.,यांच्या चालू खात्याला सायफर कोड क्रं. ६३३७ नुसार नावे टाकलेल्या रक्कम रु. ४२८७००/- चे डेबिट व्हावचर	मुळ डेबीट व्हावचर
२४	दि. १ फेब्रुवारी २००२रोजी उस्मानाबाद जिल्हा मध्य.सह. बँक लि., यांच्या कडून प्राप्त झालेला फॅक्स संदेश सायफर कोड क्रं. ६३३७ वेळ १२.३०	मुळ फॅक्स संदेश
२५	दि.१२ जानेवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्रं. ३ए/१७०३१ ला नावे टाकलेल्या रक्कम रु.६०००/- चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
२६	दि. १ फेब्रवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्रं. ३ए/१७०३१ ला सायफर कोड क्रं. २२९०१३ नुसार जमा केलेल्या रक्कम रु.३००००००००/-(रु.तिस कोटी) चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर

D-1055

THE MAHARASHTRA STATE CO-OPERATIVE BANK LTD. CONTINUATION SHEET No.

२७	दि. १ फेब्रुवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्र. ३ए/१७०३१ ला सायफर कोड क्र. २२९०१३ नुसार जमा केलेल्या रक्कम रु.३००००००००/-(रु.तिस कोटी) चे क्रेडिट व्हावचर	मुळ क्रेडिट व्हावचर
२८	दि. १ फेब्रुवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्र.३ए/१७०३१ ला नावे टाकलेला चेक क्र. ६९५१७७ रक्कम रु.२९९९९९७६६.६७	सदर चेकची प्रमाणीत केलेली छायांकीत प्रत. मुळ चेक दि. ३०-५-२००२ रोजीच्या जप्ती पत्रानुसार पो. उपअधीक्षक गु.अ.वि.नागपूर यांनी जप्त केला आहे
२९	दि. १ फेब्रुवारी २००२ रोजी होम ट्रेड लि., याच्या चालू खाती नावे टाकलेली रक्कम रु.३०००/- चे डेबीट व्हावचर	मुळ डेबीट व्हावचर
३०	दि. ५ फेब्रुवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्र. ३ए/१७०३१ ला नावे टाकलेला चेक क्र. ६९५१७८ रक्कम रु.६५४०९.७३	मुळ चेक
३१	दि. ६ फेब्रुवारी २००२ रोजी होम ट्रेड लि., यांच्या चालू खाते क्र. ३ए/१७०३१ ला नावे टाकलेला चेक क्र.६९५१८२ रक्कम रु.२४४००.०२	मुळ चेक

कृपया पोहोच द्यावी.

कळावे,

आपली विश्वासू

उपसरव्यवस्थापक
(बँकिंग व सामान्य प्रशासन)

File Banking 2212001 Page - 213

D-1056

Name of the A/c Full Address : NAGPUR D.C.C. BANK LTD. NAGPUR. H.Q. Rukar Road, Gandhi Sagar- Mahal, NAGPUR-440018.	Account Code Number 101/5751

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.	
31 JAN 2002							
H.O	BY C D A/C Code	377258		500000000			
H.O	TO RO NGP -"-	152258	200000000/-				20/- Crores
H.O	OSMANABAD D.C.C. -"-	227258	300000000/-				30/- Crores
	TO TRUNCH CREDTI CHEQUES	~~225.41~~ ~~26.54~~ ~~10.51~~	138 42				

Name of the A/c Full Address : NAGPUR D.C.C. BANK LTD. NAGPUR. H.Q. Rukar Road, Gandhi Sagar Mahal, NAGPUR - 440018.	Account Code Number 101/5751

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.	
1 FEB 2002							
H.O	TO R.O. NGP code	227405	300000000/-				Rs 30/- Crores
H.O	TO D.D.COMISSION		421.50				
	BY TR.M.S. COOP.	695177		299999766.67			
H.O.	M.S.E.B.	9073/31/1	4249854				

D-1087

Name of the A/c Full Address : OSMANABAD D.C.C. BANK LTD. . H.Q. OSMANABAD Main Road, Dist-Osmanabad.	Account Code Number 73/4701

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.
31 JAN 2002						
48	48/188/87			113306		
4	4/25			12453	3864414.97	
54	TO	623704	10			
1	TR ~~COOK~~ CODE NAG.D.C.C	code-227258		300000000	303864404.97	

Name of the A/c Full Address : OSMANABAD D.C.C. BANK LTD. . H.Q. OSMANABAD Main Road, Dist. Osmanabad.	Account Code Number 73/4701

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.
1 FEB-2002						
54	NANDED DCC	025623	3537			
54	---------- " ----	623741	51039			
1	TO HOME TRADE CODE NO	229013	300000000			
1	TO M.S.C.B. CODE — " —	6337	428700			

D-1088

Name of the A/c Full Address : HOME TRADE. .LTD. International Infotech park tower Vashi Rly. stn. complex, Vashi Navi Mumbai - 400703.	Account Code Number 3A/17031

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.
1 FEB 2002						
12	TO SERVICE CHARGE		6000		115966.11	
1 FEB 2002	BY OSMANABAD D.C.C.	G.code 229013		300000000		
	NAGPUR D.C.C	695177	299999766.67		116199.44	
	SERVICE CHARGE		3000		113199.44	

Name of the A/c Full Address : HOME TRADE. .LTD. International Infotech park tower No.4, Vashi Rly. stn. complex, Vashi Navi Mumbai - 400703.	Account Code Number 3A/17031

DATE	PARTICUALRS	CHEQUE NO.	DEBIT RS	CREDIT RS.	BALANCE	SIGN.
1 FEB 2002	OSMANABAD	695178	65409.73		47789.71	
	NAGAPUR D.C.C.	695182	24400.02		23389.69	

THE H.M.T. CO-OP. BANK LTD. ACCOUNTANT BOMBAY

Xerox by & Compared by

TRUE COPY

सहायक जनसंपर्क
मुख्य न्यायाधिकारी कार्य न्यायालय
उस्मानाबाद

D-1035

Ex. 71

IN THE COURT OF CHIF JUDICIAL MAGISTRATD AT OSMANABAD.

Cri. Bail. Application No._____/2002.
Crime No. 106/2002. Police Station :- Osmanabad (Civil)

APPLICANT : Bhupalsinh alias Pawanraje S/o. Santajirao Rajenimbalkar, Age - 49 Years, Occ. Agri., r/o Gowardhanwadi, Tq. & Dist. Osmanabad.

Or
A.P. P. to say
30-9-02

V/S

RESPONDENTS: The State of Maharashatra

CHARGE : U/Sec. 406, 409, 420 r/w. 34 of I.P.C.

CLAIM : U/Sec. 437 (1) of Cr. P.C.

Herein the applicant most humbly submits as under--

MAY IT PLEASE YOUR HONOUR

1. That one Bali Parashram Rathod, Divisional Joint Registrar. Latur lodged complaint to the Police Station City Osmanabad on 8/5/2002 with an allegations that one Special Auditor Shri. L.M. Pawar, Class I Officer, Co-operative Societies Bank, Latur carry out the inspection of the O.D.C.C. Bank and submitted report on 29/4/2002. The complainant, on the basis of said report the complaint with an allegations that the Nagpur D.C.C. Bank transfer Rs. 30 crores in the account of O.D.C.C. Bank for purchasing Government Securities and deposited Rs. 29,99,34,591/- in the account of M/s. Home Trade, Washi, New Mumbai on 1/2/2002. But no securities were purchased nor receipts were obtained from M/s. Home Trade, Washi, New Mumbai. Thus the complainant further alleged that this applicant, who was the Chairman of the O.D.C.C. Bank at material time and on his phone message all the above transaction took place and therefor this applicant / accused misappropriate the amount of Rs. 29,99,34,591/- of the O.D.C.C.

D-1036

Bank on the basis of said allegation, Police of City Police Station, Osmanabad have registered the crime bearing. No. 106/2002 U/sec. 409, 406, 420 r/w. 34 of I.P.C. against the accused / applicant.

2. That, accused / applicant arrested in the above said crime on 14/8/2002 and produced before the Chief Judicial Magistrate Pune The Hon'ble Chief Judicial Magistrate, Pune granted P.C.R. till 26/8/2002 and thereafter on 26/8/2002, the Hon'ble Chief Judicial Magistrate, Pune remanded the apllicant in M.C.R. and ordered the production of the accused before the Chief Judicial Magistrate, Osmanabad as Chief Judicial Magistrate, Osmanabad having jurisdiction to try this case. The police authorities then produced the accused / applicant before Chief Judicial Magistrate, Osmanabad on 27/8/2002 and Hon'ble Chief Judicial Magistrate, Osmanabad remanded the accused / applicant to M.C.R. Now till today, the accused / applicant is behind the bar.

3. That, thereafter, accused / applicant filed Criminal Bail Application No. 108/2002 in the Court of Hon'ble Chief Judicial Magistrate. Osmanabad on 27/8/2002 and the same was rejected on 30/8/2002 on the ground that investigation is in progress. the reafter applicant has filed criminal bail application before session's court at Osmanabad on dated 9/8/2002. Bearing No. 451/02 While pending the said bail application Charge sheet R.C.C. No. 398/2002 is filed in this Hon'ble court. The said bail application was rejected by the Hon'ble sessions court on 21/9/2002. The ground of sickness of Accused though mentioned in the petition but this aspect is not taken in to consideration while rejecting the application.

4. That, there is no *prima-facie* evidence against the accused / applicant nor any incriminating article are recovered from the possession of the applicant though, sufficient P.C.R. is granted and after obtaining sufficient P.C.R. accused applicant remanded the M.C.R. after completion of

Investigation & last 2 months applicant is in Jail and now Investigation is completed and Charge Sheet is file there fore there is no necessity to keep the applicant behind bar for the purpose of investigation.

5. That, the complainant had filed complaint on the basis of Audit Report dt. 29/4/2002. If the Audit Report is perused, there is not any single allegation against this applicant that he had committed alleged offence. Not only this, but there is no mention by the Auditor that this accused / applicant mis-appropriated the amount of Rs. 30 crores. On the contrary, it is mentioned in the Audit Report that Deputy Chief Officer of O.D.C.C. Bank Shri. V.D. Malwade signed on contract note on behalf of O.D.C.C. Bank, which he has not having any authority but complainant had not filed complaint against him. The complainant along with Shri. L.M. Pawar, had been to police station on 4/5/2002 and found that no prosecution could be launched against. This applicant, in view of records and legal advise and as such said officers informed the Police Inspection, Police Station Osmanabad. City by Shri. B. P. Rathod that they will consult with his superior and obtain his advise in relation to lodging the criminal complaint. This fact is also clear that after thoughtand out of political rivalry and under the political pressure, complainant had filed false complaint against this applicant on 3/5/2002.

6. That, the accused / applicant had filed criminal complaint against Sunil Kedar and M/s. Home Trade Ltd., on 29/4/2002 at Dy. Commissioner of Police [Economic Offence], Mumbai as they chated the O.D.C.C. Bank and on the basis of said complaint Crime bearing No. 158/2002 is registered with M.R.A. Marg Polic Station, Mumbai on 5/5/2002 and copies of that were also given to the police of City Police Station, Osmanabad and Superintendent of Police, Osmanabad before registering the crime against the accused / applicant. But no investigation conducted by the Police to that effect.

7. That, applicant submitted application for anticipatory bail to the Hon'ble Session Court and in the Hon'ble High Court, Bombay bench at Aurnagabad and same were rejected on the ground that applicant's custodial interrogation is necessary. Thereafter, this applicant has submitted anticipatory bail application in the Hon'bl Supreme Court. New Delhi during the pendency of said bail application applicant when he is suffering from High Bllod Pressure and Unstable Angiana was admitted at Pune in Budrani Hospital on 7/8/2002 and informed to the Police Authorities in Osmanabad through his Advocate that he is undergoing treatment in the said hospital and that necessary legal process may be resorted to by the police to take applicant in custody. Considering this fact, it can not be said that accused applicant was absconding.

8. That, according to the case of the prosecuting, the alleged misappropriated amount is lying with Nagpur D.C.C. Bank and it is to be attached U/Sec. 102 of Cr. P.C. Then even if, the O.D.C.C. Bank committed any violation, it was allegedly violation by the officers of the bank. Who without any basis violated the norms of R.B.I., which berried the bank from engaging private parties and brokers to purchase the Government Securities. Therefore, no offence of Criminal Breach of Trust, either U/sec. 409 is made out in any event. The officers of the bank, including the applicant are not public servants as held by the Supreme Court. Considering this aspect also no offence U/sec. 409 is made out. Non-ingredients of cheating is made out, therefore, even allegation of cheating is groundless in any event. The moneys alleged involved in the case are lying with the Nagpur D.C.C. Bank.

9. That Charge Sheet is filed and Whole case of the prosecution case is on documentary Evidence and All documents is in the custody of prosecution therefore Question of tampering the Evidence dose not arise.

D-1039

10. That, near about all accused persons connected with the alleged offence are released on bail mean while deciding the criminal bail petition No. 451/2002 another accused namely Shri. B.N. Thorat is released by this Hon'ble court on regular bail on merit. Therefore in the changing Circumstances that the accused Whose Act is also mentioned by the prosecution that the same accused with collusion with this applicant and with on comman Intention to committed the alleged Office therefore the rule of parity is also applicable to this applicant. In such changing Circumstances this Hon'ble court is also having the jurisdiction to Entertain the present bail Application.

11. That the proviso U/sec. 437 (1) is also applicable to he present Application. That Applicant is suffering from disease as hypertension and unstable angina and he has been under the treatment of various Doctors, but proper treatment is not available in jail as applicant is offen required to the jail authorities applicant was referred to Solapur for medical Treatment and also Civil Hospital Osmanabad. but all is in vain and today also applicant is referred to mumbai as the disease of the accused is so dangerous to his life and it is crystal clear that applicant is offen required medical Treatment because of that physical and mental strain of the applicant is increased in this Circumstances for to look after the applicant continue present of relatives and family members are required along with him and for purpose of hospitalization therefore on the ground of humanities conserding all the fact and the Circumstances the applicant may kindly be release on bail.

D-1040

12. That, accused/applicant has having agricultural and substantial landed property and also he is having business activities, which he has to take care and he is regular Income Tax payer and good political and social image and having good repuation in the society. Not only this, but the applicant has roots in the State of Maharashtra , where his family is permanently residing since his birth, therefore, there is no material to come to the conclusion that the applicant would not be available for trail in the event of grant of bail. The Supreme court has also made guidelines while granting the bail that it is to be seen whether accused will be readily available for trial and not fleeing from justice and therefore it is settled law that bail is rule and jail is exceptions. The Supreme court has also held that even if a prima - facie case is made out bail ought not to be refused as a punitive measure. Consedering this ascept also accused applicant may kindly be release on bail.

13. That, applicant is only earning member of his family and he is karta of his family and he is required to look after his business and agricultural occupations. If he is not released on bail then there is no any other person to look after the old parents of the applicant and their hospitalization.

D-1041

14. That, applicant is ready to furnish security as per the order of this Hon'ble court and he is also ready to abide any condition if any imposed by this Hon'ble court. Or he will not abscond as well as he will not tamper the prosecution evidence.

15. That, no any other bail application of this applicant is pending in sessions court or High court except this petition.

HENCE IT IS PRAYED

That, the application may kindly be allowed and applicant may kindly be release on bail.

Date:- 30.09.2002.

APPLICANT.

(Bhupalsinh alias pawanraje s/o. santajirao Rajenimbalkar).

Through
Advocate, Osmanabad.

Submitted that sufficient time may be granted to file the say on the bail application.

Say

30/9 AP

D-10/02

ORDER BELOW EXH.71 IN R.C.C.NO.398/2002.

1. Osmanabad City Police Station has registered the offences in Crime No.106/2002 U/Ss.406,409,420, 468,471,120(B) r/w 34 of the I.P.C. After making investigation the Police has now filed charge-sheet on 14.9.2002 and the case is registered as R.C.C.No. 398/2002. This is an application by accused no.1 for grant of bail in this case on the above said grounds as mentioned in this application. In short, this accused submitted that the Special Auditor, Co-operative Societies Bank,Latur carried out inspection of O.D.C.C.Bank and submitted report on 29.4.2002. He submitted that the complainant made allegations in the said report that Nagpur D.C.C.Bank transferred Rs.30,00,00,000/- in the account of D.C.C. Bank for purchasing the Government Security and deposited Rs.29,99,34,591/- in the account of M/s. Home Trade,Wasni on 1.2.2002, but no securities were purchased and no receipts were obtained from said Home Trade. The complainant alleged that said transaction took place through phone message and on the basis of this report,Osmanabad City Police has registered crime bearing No.106/2002 against this accused and other accused. This accused has given details regarding arrest, detention during the period of last few months. He submitted that there is no prima-facie evidence against this accused. He submitted that no incriminating article is recovered from the possession of this accused even-though sufficient P.C.R. was granted. This accused submitte that complaint was filed under the Political Pressure

against the present applicant. He submitted that he had himself filed criminal complaint against Sunil Kedar and M/s.Home Trade Ltd.on 29.4.2002 before the Economic Wing of Mumbai Police regarding the cheating and copies of said complaint were also given to the City Police Station,Osmanabad. He submitted that he is suffering from High Blood Pressure and unstable angiana and was admitted in the Hospital. He submitted that no offence U/s 409 of IPC is made out and the allegations of cheating against this accused are ground-less. He further submitted that the said money alleged to be involved in this case is lying with Nagpur D.C.C.Bank. He submitted that charge-sheet is filed and there is no question of tampering with the evidence. He submitted that other accused are released on bail and this accused should also be released. He submitted that due to change in circumstances, this court has jurisdiction to entertain the present application. He submitted that he is suffering from Hyper Tension and Unstable Angiana and he is advised to be referred to Solapur for Medical treatment. He submitted that he should be released on the ground of humanity and for the purpose of hospitalisation and proper treatment. He submitted that he is having business activities and he is a regular Income-Tax payer and has good political and social image in the society. He submitted that his family is permanently residing since birth within the jurisdiction of this court

3-10-02

and there is no material to come to the conclusion that the applicant would not be available for trial in the event of grant of bail. The accused placed reliance on the ruling of Hon'ble Supreme Court and submitted that prima-facie case is made out for grant of bail. He submitted that he is only member of his family and Karta of the family and he is required to look-after the business and agricultural occupation. He submitted that he is ready to furnish surety and he is ready to abide with the conditions if imposed by the court. He prayed for release.

2. The prosecution in this case filed say at Exh.74 and submitted that the accused is Ex-Chairman of O.D.C.C.Bank and he is politically influenced person in the society and there is every possibility of his tamper with the prosecution evidence, if he is released. The prosecution submitted that possibility of the accused absconding can not be ruled-out. The prosecution submitted that anticipatory bail application was rejected by the Hon'ble High Court of Aurangabad. The prosecution submitted that regular bail application filed by this applicant was also rejected and another bail application was also rejected by the Hon'ble Sessions Court on 21.9.2002. The prosecution submitted that there is prima-facie evidence against the accused-applicant and he is the main culprit in this case. The prosecution submitted that the amount which is mis-appropriated is large.

3-10-02

The prosecution submitted that the medical ground is not sufficient for granting bail to the accused. The prosecution submitted that though one accused Thorat is released, that can not be criteria. The prosecution submitted that accused is not entitled for bail as the offence U/s 409 is punishable with imprisonment for life. The prosecution placed reliance in 1996 Mh.L.J. page 485. The prosecution has submitted that considering the nature of offence, the gravity of offences and the peculiar circumstances this application be rejected.

3. I have heard Shri.Barkhade,Advocate, learned counsel for this accused and Smt.Pawar, the learned A.P.P. for the State. In view of the above said submissions of both sides, the following points therefore arise for my determination.

8-10-02

Points

1. Whether this court has jurisdiction to release the accused in this case?
2. Whether the accused is entitled for bail?
3. What order?

I have recorded my findings on the above points as follows for the following reasons.

Findings

1. Yes
2. Yes
3. Application is allowed.

Reasons

4. Point no.1:- In this case the Officer of the Co-operative Department Mr.B.P.Rathod has filed...

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F.I.R. on 8.5.2002 in the City Police Station, Osmanabad against the present accused and some other persons including Directors and Officers of O.D.C.C.Bank. The complainant alleged that the present accused is responsible for mis-appropriation of huge amount to the extent of Rs.29,99,34,591/-. Thereafter Osmanabad Police made investigation and also arrested other 8 accused in this case. One accused is absconding and another accused no.10 Mr.Sunil Kedar though shown to be arrested in Nagpur is not yet produced before this court, as he was admitted in the hospital. In this case the Police have now filed charge-sheet on 14.9.2002 and the present criminal case is registered as R.C.C.No.398/2002. The accused nos.2,3,4 and 5 were released on bail U/s 167(2) of the Cr.P.C. as the police failed to file charge-sheet within time from the date of arrest. These accused were released on 25.8.2002 and 26.8.2002. The Investigating Officer has arrested the present accused on 11.8.2002 and he was thereafter remanded from time to time, in Police and Judicial custody. At present, the present accused is in Judicial custody and as per the report of Jail Authorities he was admitted in the hospital and he is provided medical treatment in the hospital. As per the recent report of the Jail Authorities the health of the present accused has become serious and the Committee of the Doctors from the General Hospital Osmanabad advised that this accused should be taken

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to the J.J.Hospital,Bombay for further treatment.)

5. I have heard Shri.Barkhade,Advocate, learned counsel for the accused and Smt.Pawar, the learned A.P.P.

6. The learned A.P.P. objected this application on the ground of jurisdiction and she argued that the offence U/s 409 of the I.P.C. is punishable with imprisonment for life and, therefore, this court has no jurisdiction. Apparently all other offences in this case are not punishable with imprisonment for life. Only the offence U/s 409 of I.P.C. is punishable with imprisonment for life in this case.

7. On the other hand the learned counsel for the accused argued that this court has jurisdiction to release the accused and the present accused is not a public servant and the provisions of Section 409 of the I.P.C. are not applicable in the present case. He further argued that the offence U/s 409 of I.P.C. is not punishable with "Death or imprisonment for life", and, therefore, the jurisdiction of this court is not taken away. For this purpose, he has placed his reliance on two authorities. In the first authority reported in 1981 Cr.L.J.page 1313, the Hon'ble Kerala High Court has made the following observations.

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> "Criminal P.C.(2 of 1974), Section 437(1)
> --Prohibition against granting bail--
> Magistrate not justified in refusing bail on sole ground that offence is punishable with imprisonment for life--Expression "offence punishable with death or imprisonment for life"--Meaning--
> The Magistrate is not justified in holding that he has no power to grant bail to a person accused on the sole ground that the offence charged is punishable with imprisonment for life."

D-1045

Order below Exh.71 in
R.C.C.No.398/2002.

In view of the above said observations, it is clear that jurisdiction of the Magistrate is not taken away in the present case also. The learned counsel for the accused has also relied on 2001,Cr.L.J.page 2010 (Ashireddygari Narasimhareddy and another..vs..State of A.P.). In this case also, the Hon'ble Andhra Pradesh High Court has observed that a Magistrate can grant bail in case punishment prescribed is only "Imprisonment for life", but not where punishment prescribed is "Death or imprisonment for life". On the other hand the learned prosecutor has relied on 2001(3) Mh.L.J.page 465, (Hanuman Vishwanath Nehare..vs..State of Maharashtra & others). In this case the Hon'ble Lordship of our High Court have made the following observations.

> "(a)Criminal Procedure Code(2 of 1974),S.437(1)--Disentitlement to bail where the maximum sentence is death or imprisonment for life--Offender in such case is deprived of the right to get bail--proviso carves out exception in case of women,sick or infirm person."

3-10-02

8. The learned prosecutor therefore argued that this court has no jurisdiction in the present case. It is, however, pertinent to note here that prosecution also relied on 1996(2)Mh.L.J.page 485(State of Maharash-ra..vs..Kaushar Yasin Qureshi and another). It is pertinent to note that there is no reference of this ruling in the above mentioned case. It is worth-while to note the observations made in this case. The Hon'bl Lordship of our High Court have made following observations.

"(a)Criminal Procedure Code(2 of 1974), S.437(1)--Bail in case of non-bailable offence--Jurisdiction of Magistrate--Court other than High Court or Court of Session if there are reasonable grounds for believing that person is guilty of offence punishable with death or imprisonment for life will only have jurisdiction to grant bail if the person is either below sixteen or a woman or sick on infirm--Reasonable ground means there should be rational or logical basis for inferring that person is guilty of offence punishable with death or imprisonment for life--Principles to be kept in view."

The Hon'ble Lordship in the above case has further observed that it does not mean that merely because the police whimsically or arbitrarily registers a case for offences punishable with death or imprisonment for life, a Magistrate would have no jurisdiction to grant the bail. It is pertinent to note here that the above observation in Kaushar Yasin Qureshi's case are not at all referred in Hanuman Vishwanath Nehare case. At present both these cases decided by our High Court. The observations made by Hon'ble Lordship Justice Vishnu Sahai in Kaushar Yasin Quareshi's case are not dissented. Thus both these Judgments remained at large. This court is therefore at liberty to follow the observations made by Hon'ble Lordships in Kaushar Yasin Quareshi's case.

Thus in view of the above observations made in Kaushar Yasin Quareshi's case, it is clear that a Magistrate should examine question whether prima-facie case is made-out or not. Thus, if this court comes to the conclusion that the offence alleged U/s 409

3-10-02

of the I.P.C. is not applicable, then the jurisdiction to grant bail is not taken away. As observed by the Lordship, it is necessary to see whether there is logical base for the offence alleged.

9. It is pertinent to note here that the present accused was the Chairman of O.P.C.C.Bank at the relevant time. This is a Co-operative Society or Co-operative Bank. It is governed by the provisions of the Maharashtra Co-operative Societies Act. At this stage the learned counsel for the accused argued that the present accused can not be a public servant in view of the observations made by the Hon'ble Apex Court. He placed his reliance in 2000 ALL MR(Cri),page 1370. In this case the Hon'ble Supreme Court has made following observations.

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> "Prevention of Corruption Act (1947),S.2--Penal Code(1860),S.21--Chairman and Members of the Managing Committee of the co-operative societies governed by the Maharashtra Co-operative Societies Act cannot be called public servants and therefore cannot be prosecuted as such under the Prevention of Corruption Act--Declaring them as public servants under section 161 of the Maharashtra Co-operative Societies Act is only for a limited purpose."

In view of the above said observations, it is clear that the present accused can not be called public servant. The Hon'ble Supreme Court further observed that even though the legislature has incorporated the provisions of Section 21 of the I.P.C. into Co-operative Societies Act, in order to define a 'public servant' but those 'public servants' cannot be prosecuted for having commited the offence under the Indian Penal Code

It is thus crystal clear that the present accused can not be called as a public servant for the purpose of the offences under Penal Law and it is apparent that the provisions of Section 409 of I.P.C. as alleged by the Police are not at all attracted against the present accused. Police have now filed charge-sheet in this case and the court can not blindly rely on the mentioning of the offences in the charge-sheet. When there is crystal clear case that the provisions of Section 409 of the I.P.C. are not at all applicable, the mentioning of said section in the charge-sheet is immaterial for the purpose of deciding the present bail application. Thus, so far as this accused is concerned, offence U/s 409 of I.P.C. is not made-out. I, therefore, do not find that this court has no jurisdiction to grant the bail. So, I answered point no.1 in the affirmative.

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10. Point no.2:- The learned counsel for the accused also relied on the famous case of Gudikanti Narasimhulu and others..vs..Public Prosecutor, reported in 1978 Cri.L.J.page 502. He argued that it is in the Judicial discretion of this court to grant bail or to reject it. I have also perused the observation in this case. In view of the observation in this case, it is necessary to see whether the courtsof justice would be thwarted by the accused or not and the likelihood of accused interfering with the

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prosecution witnesses is also required to be considered. At this stage the learned prosecutor has argued that the present accused is politically influencial person and, therefore, he should not be released on bail. However that can not be a ground for rejecting the bail application. Merely because some person is having political back-ground, it can not be said that there is likelihood of interfering with the prosecution witnesses. In addition to this in the present case the charge-sheet is now filed and the Investigating Officer has produced the relevant documents alongwith the charge-sheet. The case is mainly based on the documentary evidence and under such circumstances, this allegation of the prosecution has no force at all.

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11. The learned counsel for the accused relied on A.I.R.1997,Supreme Court,2575((Chandraswami and another..vs..Central Bureau of Investigation.) In vie of the observations in this case, it is clear that paramount consideration would always be to ensure th the enlargement of such persons on bail will not jeopardise the prosecution case. As mentioned above, the most of the evidence in this case is documentary evidence and, therefore, there is no such likelihood in the present case also.

12. The learned prosecutor argued that huge amount is involved in this case and, therefore,

considering the gravity of the offence, bail should not be granted to the present accused. However, on the other hand the learned counsel for the accused relied on 1999(1)Crimes,page 465, and he argued that it is not desirable to go into detailed examination of the documentary evidence even though the case involved grave economic offence. Thus that can not be a ground for rejecting the bail application.

13. The prosecution has even taken the objection regarding the absconding of the accused in case he is released. It is pertinent to note here that the accused is a well-known personality in this locality and he has immoveable property within the jurisdiction of this court and there is remedy for proceeding against the accused who has immoveable property. When such immoveable property is hold by a well-known person, there is less likelihood of absconding the accused. In addition to this the mere fact of absconding can not be sonly ground for rejecting the bail application, as relied in 2002 ALL MR(Cri)565, by the learned counsel for the accused. In addition to this the learned counsel for the accused also argued that the alleged amount is not in the pocket of this applicant and, therefore, there are less chances of flying away.

14. The prosecution has objected this application on the ground that there is no change

in the circumstances and the previous application was rejected. I have perused the order passed by my learned predecessor on 30.8.2002 and it is clear that the said application was mainly rejected on the groun that investigation was going on. At present the police have now filed charge-sheet and there is chang in the circumstances regarding the stage of investigation and also regarding the health of the accused. It is now well settled law that rejection of previous bail application does not bar fresh application and, therefore, I do not find suostance in this objection taken by the prosecution.

15. In this case the report of the Medical Office is also called. The committee of Doctors of the General Hospital, Osmanabad including the Civil Surge has opined that this patient (present accused) is having liable Hyper tension with Unstable Angina and this requires proper investigation and proper treatme This committee has also advised to refer this accused to the Cardiologist of J.J.Hospital of Mumbai. After going through the said papers, I find that the ~~ax~~ condition of the present accused is serious and it requires proper medical treatment. It is offen held by the Hon'ble Supreme Court that liberty of a person is ~~all~~ of atmost value and it can not be deprived excep by following due procedure of Law. All the while the Hon'ble court advised to keep liberal approach while

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deciding the application and to see whether the justice is properly done in the peculiar circumstances of each case. Thus, considering all the above circumstances, I find that there is no likelihood of tampering by prosecution evidence. I have perused the charge-sheet. It is pertinent to note here that this present accused has himself made complaint before Mumbai Police regarding chitting and it can be decided at proper stage as to whether the present accused is telling the truth or whether the complainant in this case is correct. There is also no antecedent criminal or bad record of this accused and accused is readily available for trial as he resides within the jurisdiction of this court. There is also no likelihood of absconding by the present accused, and also considering the present state of health of this accused, I find that the accused is entitled to be released on bail. So, I answered point no.2 in the affirmative.

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16. Point no.3:- In view of the above said findings, this application deserves to be allowed. In view of the circumstances of this case and gravity of the offence, I find that it is necessary to ask the accused to furnish heavy surety and to put certain conditions. In the result, I proceed to pass the following order.

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Order

1. The application is allowed.

2. The accused is released on furnishing P.R.bond of Rs.1,50,000/- with solvent surety of Rs.1,00,000/- and with cash security of Rs.50,000/-.

3. The accused shall not tamper with the prosecution evidence and the accused shall not leave India without the pripr permission of this court.

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(S. V. Patil.)
I/c Chief Judicial Magistrate,
Osmanabad.

Dtd:3.10.2002.

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