

Court No. - 88

Case :- APPLICATION U/S 482 No. - 27702 of 2023

Applicant :- Mahendra Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Surendra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1, Mr. Pankaj Srivastava, learned counsel appearing on behalf of State Bank of India and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge-sheet dated 11.09.2019, cognizance / summoning order dated 18.10.2019 and proceedings of case no. 6657 of 2019 (*State vs. Mukut Lal Bansal and others*) arising out of case crime no. 326 of 2010, under Sections 406, 420, 467, 468, 471, 120-B I.P.C., Police Station Brahmpuri, District Meerut pending in the court of Special Chief Judicial Magistrate, Meerut.

3-On 30.10.2023, this Court has passed the following order:-

"The main substratum of argument of learned counsel for the applicant is that the applicant-Mahendra Singh had taken a loan of Rs. 1,90,000/- from State Bank of India, IE Partapur, District Meerut and he had paid the entire loan amount. Thereafter, Assistant General Manager of the concerned Bank has issued a no-dues certificate dated 30.05.2012, a copy whereof has been annexed as Annexure No. 3 to the application, even then the Investigating Officer has submitted charge-sheet against the applicant.

Learned A.G.A. prays for and is allowed two weeks' and no more time to seek instructions in the matter from the Investigating Officer as well as from the concerned Bank.

List this case on 20.11.2023 as fresh.

Till the next date of listing, no coercive action has been taken against the applicant pursuant to Case No. 6657 of 2019 (State vs. Mukut Lal Bansal and others) arising out of case crime no. 326 of 2010, under Sections 406, 420, 467, 468, 471, 120-B I.P.C., Police Station Brahmपुरi, District Meerut pending in the court of Special Chief Judicial Magistrate, Meerut."

4-Today on the matter being taken up, Mr. Pankaj Srivastava, learned counsel for the State Bank of India submits that in this case, about rupees two crore was fraudulently sanctioned by the concerned authorities of the bank and disbursed to different borrowers, who are accused persons in this case. The applicant is one of them. It is also submitted that when the matter came into knowledge of the higher authorities of the bank, F.I.R. was lodged on 13.05.2010 against 15 persons including the borrowers and officers of the bank i.e. Mr. M.L. Bansal, the then Branch Manager and Mr. Shyam Kumar, the then Field Officer. It is also pointed out that till date, the entire sanctioned amount has not been recovered by the other borrowers in the matter.

5-Learned counsel for the applicant after advancing his arguments at some length and putting certain query by the Court, gave up his challenge to the aforesaid impugned charge-sheet, cognizance / summoning order and criminal proceedings against the applicant and confined his submission requesting to grant some protection to the applicant to surrender before the concerned court below. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicant expeditiously.

6-Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to him for a short period.

7-In view of the above, the relief as sought by the

applicant in the instant application is refused.

8-However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within two weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of Satender Kumar Antil vs Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.

9-For the period of two weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, he shall not be arrested in the above case.

10-With the above observations and directions, this application under Section 482 Cr.P.C. is ***disposed of***.

Order Date :- 5.12.2023
Saurabh