

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No.113 of 2015
(Nitin Rodge V/s State of Maharashtra, thr PSO PS Umarkhed, Yavatmal)
With
Criminal Application (ABA) No.170 of 2015
(Shridhar Sahebrao Mane V/s State of Maharashtra, thr PSO PS Umarkhed,
Yavatmal)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's orders

[Shri Shashibhushan Wahane, Adv for applicant.
 Shri P.V. Bhojar, APP for State.]

CORAM : A.B. CHAUDHARI, J.
DATED : 15.06.2015.

Criminal Application (ABA) No.113 of 2015 filed by Nitin Rodge was called out for hearing when Shri S. Wahane, the learned Counsel for the applicant submitted that Shridhar Sahebrao Mane had given in writing to the Senior Divisional Manager, Maharashtra State Warehousing Corporation, Amravati on 20-02-2015 Annexure-C that it is he who is responsible for the entire incident of theft of grain stock from the go-down and the present applicant Nitin Rodge helped him to tide over his financial crisis. Having realized his mistake he tendered the cheques in favour of the

Corporation in the sum of approximately Rs. 4 Crores that is the value of the goods removed by him. At this stage, Shri Nayak, the learned Counsel for the intervenor upon taking instructions submitted that all those cheques given by him have bounced.

Shri S. Wahane, the learned Counsel for applicant Nitin Rodge submitted that he is not responsible for the loss but one Shri Merkar, working as Depot in-charge at Umerkhed, who had not given charge to him, though Shri Merkar was transferred to Jalgaon in 2013 itself, but continued to remain at Umerkhed. He, therefore, submitted that Shri Merkar was responsible for the loss of entire goods in-conspiracy with Shridhar Mane and pointed out that Shirdhar Mane has also filed Criminal Application (APL)No.170 of 2015 before this Court which is on Board today for anticipatory bail.

Turning to the Criminal Application (ABA) No170 of 2013 filed by Shridhar Mane, the Counsel prayed for

adjournment on the ground that Shri Mardikar, the learned Senior Advocate is not present. This Court is not inclined to grant adjournment in the midst of the hearing of this matter and hence the prayer for adjournment is rejected. Perused the application filed by Shridhar Mane and the document dated 20-02-2015, prima facie, it is clear that the entire goods were removed by Shridhar Mane, which he himself has admitted, causing loss of around Rs.4 Crores of the farmers who had deposited their goods in the warehouse of the Corporation. Therefore, unless Shridhar Sahebrao Mane is interrogated in custody the details about his removal of goods, sale etc. if any cannot be revealed. It is therefore necessary to cancel the ad-interim relief made by this Court in the case of Shridhar Sahebrao Mane granted on 31-03-2015 and to reject his application for grant of anticipatory bail. The prosecution is equally guilty in allowing the matter to be protracted instead of taking urgent steps to get this application finally decided. Be that as

it may, the Investigation Officer shall be free to arrest the applicant Shridhar Sahebrao Mane and make the interrogation.

Insofar as the application filed by Nitin Rodge is concerned, it will be examined only after the progress report is submitted in the case of Criminal Application (APL) No.170 of 2015. That being so, I make the following order :

Order

A] Criminal Application (APL) No.170 of 2015 filed by Shridhar Sahebrao Mane is dismissed.

B] Interim order granted by this Court on 31-03-2015 is vacated.

C] Criminal Application (APL) No. 113 of 2015 filed by Nitin Rodge is adjourned to 30-06-2015.

JUDGE