

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

CRIMINAL APPLICATION (ABA) 244 OF 2016

(Sunil Gondulal patle Vs. The State of Maharashtra)

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

Court's or Judge's orders

Mr. A. M. Sudame, Advocate for the applicant.
Mrs. Mayuri Deshmukh, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : 23 JUNE, 2016

Heard.

The allegation against the applicant is that he, being in-charge cashier working in the Education Department, Panchayat Samiti, Sadak-Arjuni, has misappropriated Government money amounting to about Rs.63 lac.

Learned Counsel for the applicant submits that the applicant is not involved in the commission of the said crime as ultimately, the amounts have been paid or transferred to some other persons. He further points out from page No.5 of the additional reply of the prosecution that the officers whose names are mentioned therein have not made any complaint against the applicant and it shows that the applicant had no dishonest intention in this case.

I am not inclined to accept this argument for the simple reason that in the schedules attached to the concerned cheques, although the names of different persons

were mentioned as beneficiaries and to whose accounts ultimately the various Government moneys were to be transferred, were struck off by this applicant and their names were substituted by the name of this applicant and in this fashion the applicant got the amounts deposited in his own account. These striking offs and corrections have been made prima facie by the applicant without any authority under the law. No authentications in the nature of initials of the competent officer appear at the places where these corrections have been made. The applicant has not only succeeded in getting various amounts deposited in his account from time to time but also was allowed to withdraw those amounts by the Bank officials. All these acts, prima facie, indicate dishonest intention and the amount involved in the misappropriation is huge. Forgery has also been prima facie committed and now it would be a subject matter of investigation as to how many more persons are involved in this case and how the Government moneys have been disposed of by this applicant. For investigating these aspects of the case, custodial interrogation of the applicant/accused is necessary and, therefore, in my opinion, this is not a fit case for granting anticipatory bail.

Application stands rejected.

JUDGE