

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

Criminal Application (ABA) No. 455 of 2016

Arvind and anr v. 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

Shri P. W. Mirza, Advocate for applicants
Shri T. A. Mirza, APP for respondent-State

Coram : S. B. Shukre, J

Dated : September 14, 2016

1. Heard learned counsel for the applicant and learned Additional Public Prosecutor for respondent-State.

2. On perusal of the enquiry report as well as reply of the prosecution, I find that there is a doubt about the contention that these applicants had retained some Receipt Books. In fact, the prosecution has opposed this application and has contended that custodial interrogation is necessary so as to recover Receipt Books from the applicants. However, perusal of the enquiry report shows that exact amount of misappropriation has been ascertained by the enquiry committee after perusing each and every page of the Receipt Books in question. The amount of misappropriation has been mentioned in clear words in the enquiry report copy of which is available along with the case diary. The enquiry committee has stated that the Receipt Books from the year 2013 onwards were verified by it and thereupon exact figure of misappropriation has been drawn. Applicants have stated this very fact on oath. That apart, deductions are regularly made from the respective salaries of the applicants on monthly basis so as to make good the loss caused to the Government owing to the misappropriation. Thus, I find that there is no

substance in the contention of learned Additional Public Prosecutor that custodial interrogation of the applicants is required. Application deserves to be allowed.

3. Application is allowed and interim bail granted to the applicants by this Court vide order dated 14th July 2016 is hereby confirmed on the same conditions except the condition regarding their attendance and now it is directed that the applicants shall attend Police Station as and when required.

JUDGE

joshi

Certificate

I certify that this order uploaded is a true and correct copy
of original signed order.

Uploaded by : H S Joshi, PS to Hon'ble Judge
Uploaded on : 15.9.2016