

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3210 OF 2017

- 1 Mohan s/o Shankarrao Dhale, Age ... **Applicants.**
43 years, Occ. Business, R/o.
Main Road, Jamkhed, Tq. Jamkhed,
Dist. Ahmednagar.
- 2 Sanket s/o Chandrakant Dhale, Age
24 years, Occ. Student &
Business, R/o. Main Road,
Jamkhed, Tq. Jamkhed, Dist.
Ahmednagar.

V E R S U S

- 1 The State of Maharashtra. **Respondents.**
- 2 The District Superintendent of
Police, Ahmednagar, District
Ahmednagar.

Mr. V. R. Dhorde, learned senior counsel for the
Applicants
Mr. K. N. Lokhande A.P.P. for the respondents/State

CORAM : K.L. WADANE, J.
DATE : 25th JULY, 2017

ORDER :

1. Heard Mr. Dhorde, learned senior counsel
appearing for the applicant and Mr. Lokhande, learned
APP appearing for the respondent/state.

2. One Ajay Nandlal Rath, Auditor of the bank, filed first information report on 17.06.2016 alleging that around four of the account holders and borrowers who has taken gold loan in the year 2014 committed default, and as such, did not get the gold released nor repaid the loan amount. As such, on or about 24.09.2015 in order to auction the said gold the same was taken out from the safe and thereafter it was transpired that the said gold was not real gold. On preliminary enquiry it was found that, at the relevant time one gold smith namely Sham Pandit resident of Jamkhed was appointed, as valuer, who has certified it as real gold. On the basis of the first information report, by the Auditor, an offence came to be registered at Crime No. 94/2017 for the offences punishable under section 420, 463, 465, 467, 468, 471 read with section 34 of the Indian Penal Code.

3. Mr. Dhorde, learned senior counsel appearing for the applicants, by referring the contents of the first information report submits that, the allegations against the present applicants is about signing of the panchnama back dated, which is stated to be of

26.04.2014.

4. The allegations are that, some of the depositors of the Bank have deposited gold and subsequently it was found that it is fake. Therefore, in stead of doing panchnama to that effect, some of the office bearers of the Bank neglected to do such work. The role of the present applicants was to sign the panchnama. In fact, the requirement to sign the panchnama was of two panchas, in spite of that, 08 persons have signed that panchnama including the present applicants. Probably the panchnama must be with the Bank and it was of earlier date.

5. The allegations against the present applicants are that when the impure gold was taken out from the safe for the purpose of auction at that time the present applicants along with other goldsmiths were present. However, they have signed back dated panchnama. There are no allegations against the present applicants about deposit of impure gold or certification of gold or obtaining loan. In view of the above, the applicants can be protected from their arrest. Hence following order.

O R D E R.

Interim relief granted inf avour of the applicants by order of this Court on 29.06.2017 is hereby made absolute and confirmed.

6. Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-