

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

Criminal Application (APL) No.632 of 2017

(Bhushan Thakurdas Vidhyarthi .vs. Registrar, Adjudicating Authority and another)

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

Court's or Judge's Orders

Ms Richa Rehlan, Advocate for the applicant.

CORAM : SMT VASANTI A NAIK &
 M. G. GIRATKAR, JJ.

DATE : 14.9.2017.

By this Criminal Application, the applicant seeks the quashing and setting aside of the proceedings pending against the applicant before the Enforcement Directorate in ECIR/05/NGSZO/2009.

In the circumstances of the case, we are not inclined to consider grating the relief sought by the petitioner as it could be seen from the provisional attachment order No.4/2017 passed under sub-section 1 of Section 5 of the Prevention of Money Laundering Act, 2002 that the allegations against the petitioner are that the petitioner had availed a loan from the Samta Sahakari Bank Ltd. in the name of M/s.Hare Krishna Gallery by submitting false information and fake documents to the Bank. It is alleged that the applicant had deceived the Bank by not returning the depositors' funds. It is further alleged that in the term loan application made by the petitioner, the information was not complete and the information pertaining to the financial status of the applicant was far

from truth. It is alleged that even before submission of the original documents in respect of pledge, mortgage deed etc., the loan was sanctioned. Further, it is alleged that the applicant had enclosed overvalued agreement of a shop in his name at Plot no.178 which was not on a stamp paper and was unregistered as well.

Considering the allegations made against the petitioner and the material collected during the investigation, the proceedings pending against the petitioner before the enforcement directorate cannot be quashed.

In the circumstances of the case, the criminal application is dismissed. Order accordingly.

JUDGE

JUDGE

**jaiswal*