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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITIOIN NO.1637 OF 2004

The State of Maharashtra .

..Petitioner

Vs

Suryakant Mathuradas Madhlani

..Respondent

Mr. S.S.Hulke for Petitioner/State.

CORAM : A.S.GADKARI, J.

DATE : 12th September 2018.

P.C.:

1] By the present petition, the State has questioned the correctness of the impugned Judgment and Order dated 17th June 2004 passed by the learned Additional Chief Metropolitan Magistrate, 19th Court, Mumbai in Application No.56/N/2004 in CC No.324/P/2004, thereby discharging the respondent/original accused No.8 under section 239 of Cr. P.C from the offences punishable under sections 120B read with 409 and 420 of the Indian Penal Code.

2] Heard the learned APP for Petitioner State at length. Perused the record.

3] The record indicates that, the respondent was a practicing Chartered Accountant and was appointed by the bank namely Raghuwanshi Co.Op. Bank Ltd. as an Auditor. It further appears from record that, the respondent has been impleaded in the said crime in his capacity as an Auditor of the said bank and he has no direct role to play in the crime along with other seven accused persons. It is a fact on record that, the respondent was appointed by the said bank for its internal audit and he had tendered his resignation prior to commission of the said crime. The said fact has been conceded by the Investigating Officer before the Trial Court. The evidence on record indicates that, there is no involvement of the respondent in the alleged crime committed by the other accused persons.

4] In view thereof and after taking into consideration the entire record, this Court is of the view that, the Trial Court has not committed any error while passing the impugned Judgment and Order dated 17th June 2004.

Petition being devoid of any merits, is accordingly dismissed.

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Chandrakant
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(A.S.GADKARI, J.)