

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

CIVIL APPLICATION (CAN) NO.29 OF 2014
IN
CONTEMPT PETITION NO.232 OF 2011
IN
WRIT PETITION NO.3069 OF 2009

(Ku. Varsha Bhagwanrao Jadhao Vs. Smt. Ushatai Tanaji Wagh and others)

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

Court's or Judge's orders.

Shri P.B. Patil, Advocate for Petitioner.
Shri A.T. Purohit, Advocate for Respondent No.3.
Shri A.M. Deshpande, AGP for Respondent/State.

CORAM: R.K. DESHPANDE, J.

DATE: 16th MARCH, 2018.

This court had passed an order on 24.02.2018 as
under:

The amount of Rs.4,02,704/- lying in the saving bank account of the applicant since 16.03.2013 was not permitted to be withdrawn by the State Bank of India, Branch at Mehkar on the ground that the Superintendent, Pay and Provident Fund, Buldhana, has issued certain directions, on the basis of which the action was taken.

The learned counsel for respondent No.3 was put a specific question as to whether the State Bank of India will be closed down if such direction is issued by the Superintendent, Pay and Provident Fund, Buldhana. He states that "certainly not". Without ascertaining the authority of Superintendent, Pay and Provident Fund, Buldhana, to issue direction, the action is taken by the State Bank of India.

The learned AGP to bring this order to the notice of the concerned Police Station to explore the possibility of registering the offence under Section 409 of Indian Penal Code against the bank officials. An affidavit to that effect be filed within a period of two weeks from today.

Steno copy of the order be supplied to the learned AGP to act upon.

Put up on 16.03.2018.

In response to the aforesaid order, the petitioner has stated that no amount remained in the account of the petitioner and she has withdrawn the entire amount. The learned counsel appearing for the State Bank of India also submits that the petitioner has received the entire amount. An affidavit has been filed by Police Sub-Inspector, Police Station Mehkar, District Buldhana stating that the petitioner has not turned up for recording the statement and it is further stated that upon examination it is found that there is neither dishonest misappropriation nor conversion or user or dispose of the funds kept by the petitioner with the Bank and therefore, no case is made out under Section 405 and 409 of the Indian Penal Code.

In view of this, nothing survives in this petition. The same stands disposed of.

JUDGE