

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

CRIMINAL APPLICATION (ABA) NO.386 OF 2018

(Janardhan s/o Vitthalrao Parsutkar Vs. State of Maharashtra thr. PSO PS
Gadchandur, Dist. Chandrapur)

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

Court's or Judge's orders.

Shri R.R. Vyas, Advocate for Applicant.
Shri T.A. Mirza, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE OF RESERVING THE ORDER : 17-07-2018

DATE OF PRONOUNCING THE ORDER : 19-07-2018

The Extension Officer, Gram Panchayat, Korpana, District Chandrapur lodged first information report on 17.05.2018 alleging that the applicant who at the relevant time was the Gram Sewak and Secretary of Gram Panchayat, Bhakhardi and then Sarpanch Smt. Tanabai Bhoyar committed offence punishable under sections 420, 468 and 471 read with section 34 of the Indian Penal Code. Smt. Tanabai Bhoyar the then Sarpanch, according to the affidavit placed on record by the Investigating Officer, is recently arrested and the applicant, who made an unsuccessful attempt to seek anticipatory bail before the Sessions Judge, is before this court seeking anticipatory bail. The gist of the complaint dated 17.05.2018 lodged by the Extension Officer is :-

[i] The applicant manipulated the accounts and misappropriated amount of Rs.4200/-.

[ii] The applicant and the co-accused incurred expenditure of Rs.4,93,254/- in contravention of rules.

[iii] The applicant along with the co-accused released an amount of Rs.9,44,500/- in favour of a Contractor Dheeraj Kambde towards construction of 84 toilets. This was done without making payment of incentive of Rs.12,000/- to the beneficiaries under the Swaccha Bharat Mission for having constructed a toilet.

[iv] The applicant misappropriated an amount of Rs.55,650/- by showing purchase of wheel chair and benches under two heads i.e. the general fund and the 14th finance commission.

[v] The applicant is entitled to pay Rs.25/- per month to each Member of the Gram Panchayat as meeting allowance. The applicant, by showing payment of Rs.5000/- lump sum as meeting allowance misappropriated an amount of Rs.3,89,925/-.

[vi] The applicant misappropriated an amount of Rs.11,330/- by showing purchase of material for construction of toilets.

[vii] The applicant showed an expenditure of Rs.14,74,082/- from the general fund towards construction of the Gram Panchayat Bhawan.

2) The submission of the learned counsel for the applicant Shri Vyas is that the first information report is based on the inquiry report submitted by Shri A.P. Porate Extension Officer (Panchayat), Panchayat Samiti, Bhadrawati. The applicant has challenged the said inquiry report before the appropriate forum, is the further submission.

3) Perusal of the affidavits placed on record by the Investigating Officer would reveal that there is more than ample material on record to connect the applicant with the crime. The applicant submitted bills of M/s. S.S. Brother showing purchase of cement benches. However, during the course of investigation, it is revealed that the said shop is not in existence. The mobile number 9604734766 mentioned in the bill is that of a resident of Nashik who is using the mobile since last ten years. The affidavit of the Investigating Officer states that the applicant has submitted forged and/or fabricated bill of a non-existent business concern. The material on record further reveals that purchase of wheelchairs is shown from both the general fund and the 14th Finance Commission Funds. The purchase vouchers are not available in the voucher file of General Fund. Physical inspection of the toilets instructed reveal that only 52 toilets are in existence while the applicant sought grant for 102 toilets. Fictitious and non-existent beneficiaries are shown. Illustratively one Junabai Panghate

is shown as a beneficiary at serial 38. According to the affidavit of the Investigating Officer, the said person is not in existence. One Zedubai Panghate who is shown as a beneficiary was already dead. Investigation has revealed other serious irregularities like more than one toilet being shown in the name of the same person.

4) In the teeth of the material on record, this is not a fit case to exercise discretion.

5) The application is rejected.

JUDGE