

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

WRIT PETITION No. 5097 OF 2018

Ajay Dashrath Raut

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr.Chandraprakash K. Tripathi for the Petitioner.

Mr.Deepak Thakare, PP a/w. Mrs.Veera Shinde, APP for the Respondent-State.

Mr.Anil Wadanere, Sub-Divisional Police Officer, Vaduj Camp, Vaduj, Satara
(present in Court).

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 19 MARCH 2019**

P.C.:

1. This Petition is directed against the order dated 31.10.2018 passed by the learned Addl. Sessions Judge, Vaduj thereby rejecting the application for discharge below exhibit 39 in Special (ACB) Case No. 4 of 2017.

2. The petitioner/accused is prosecuted for the offences punishable under sections 406, 409, 420, 468, 471, 477 (A) 120B read with 34 of the Indian Penal Code and under sections 13 (1) (k), 13 (1) (d) and 13 (2) of the Prevention of Corruption Act. It is alleged that the petitioner/accused, who was working as a senior clerk in the Tehsil office at Vaduj, has indulged into fraud of Rs. 2,93,10,858/- along with the co-accused. The petitioner/accused and the co-

accused- Ashok Lokhande were working in the Tehsil office at Vaduj. They have prepared a list of drought affected farmers with bogus account numbers and after matching the amounts, which were to be paid to the affected drought farmers, were siphoned to the account open in the Satara District Co-operative Bank at Vaduj and subsequently, the said amounts were also further siphoned to other different bank accounts in the name of the co-accused.

3. The learned Counsel for the petitioner/accused has submitted that the petitioner/accused is innocent. He has further submitted that at the relevant time, the petitioner/accused was not working as a senior clerk in the Tehsil office at Vaduj, but he was transferred. He has further submitted that in fact, 15 to 16 Talathis are the accused persons and they are beneficiaries of this fraud. He has further submitted that these Talathis are not made accused, but the petitioner/accused is made a scapegoat. He has further submitted that these Talathis have received commission on the amounts disbursed under this alleged bogus bills. He has further submitted that the petitioner/accused has not committed any offence and there is no evidence against him.

4. The learned Public Prosecutor while relying on the statements of the witnesses, has pointed out that the offence had taken place during the period from 15.06.2016 to 05.08.2016 in the Tehsil office at Vaduj. He has submitted

that though the petitioner/accused was earlier working as a senior clerk in the Tehsil office at Vaduj, he was relieved from the said office on 18.06.2016. He has further submitted that the petitioner/accused and the co-accused have prepared the list of drought affected farmers along with the bill and submitted to the Treasury office at Vaduj. He has relied on the statements of Mr. Vijay Sambhaji Patankar, Mr. Shekhar Vishnu Shinde, Mr. Savta Ashok Mali and Ms. Meena Tukaram Nimbalkar on the point of preparing the list of drought affected farmers, preparing bogus account numbers and the bills.

5. Considered submissions and the facts of the case. On perusal of the statements especially the statements of the above four witnesses, which are pointed out by the learned Public Prosecutor wherein the role attributed to the petitioner/accused in preparation of the list where the bogus account numbers are mentioned against the names of drought affected farmers is stated. In the statements of the witnesses, it is also stated that the bogus list and bogus bills were sent to the Treasury office at Vaduj and subsequently, two cheques with file numbers were sent to Satara District Co-operative Bank, wherein it is mentioned that the petitioner/accused has prepared the list and also the bills.

6. The arguments of the learned Counsel for the petitioner/accused that these Talathis are involved in this matter and they are beneficiaries of this fraud, and

they have taken commission is altogether an another issue. It may be the defence of the petitioner/accused, which can be considered at the stage of trial. There is material to frame the charge against the petitioner/accused and hence, Writ Petition is rejected. The trial Court to proceed with the matter.

(MRIDULA BHATKAR, J.)