

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

CRIMINAL APPLICATION (ABA) NO. 188 OF 2019

(Vithul Manohar Kachhela vs. State of Maharashtra through P.S. Ramnagar, Chandrapur)

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

Court's or Judge's orders

Shri. A. A. Dhawas, Advocate for the applicant.
Shri. N.R. Rode, APP for non-applicant State

CORAM : MANISH PITALE, J.

DATED : AUGUST 01, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 27.09.2018, registered against him for offences under Sections 420 and 468 read with 34 of the Indian Penal Code.

2. The allegation against the applicant was that he had taken amount of Rs.3,33,000/- from the complainant by falsely promising that he would be able to provide Government job to the daughter of the complainant. It was submitted that later on no such job was provided by him and that, therefore, the complainant was duped.

3. On 29.03.2019, while granting ad-interim protection to the applicant, this Court had recorded the contention of the applicant that he had in fact issued a cheque to the complainant, because there was actually a loan transaction between the parties and that there was document signifying the same, which the applicant would be able to produce.

4. Thereafter, on 24.04.2019, this Court recorded that the applicant had deposited an amount of Rs.50,000/- in the account of the complainant's daughter and that he had issued cheques for the balance amount that was supposed to be returned to the complainant. Thereafter, on 18.07.2019, the applicant submitted that he would in fact deposit the entire balance amount of Rs.2,83,000/- before the trial Court to show his bonafide.

5. During the pendency of this application, there is no dispute about the fact that applicant has been enjoying ad-interim protection granted by this Court. On 18.07.2019, this Court had also recorded the fact that attempts were being made by the parties to settle the matter and quashing petition will be filed on the basis of compromise between them.

6. The learned counsel for the applicant submits that he has no instruction regarding the settlement of the dispute and there are no instructions regarding filing of quashing petition. In fact, the learned counsel for the applicant submits that the applicant has not given him instructions either about the settlement or about the deposit of amount of Rs.2,83,000/- before the trial Court.

7. The aforesaid facts demonstrate that the applicant has been enjoying ad-interim protection from this Court since 29.03.2019, yet he has neither produced the documents pertaining to alleged loan transaction between applicant and complainant, nor has he made any attempt to deposit the amount as stated before this Court and he has stopped giving instructions to the counsel appearing for him.

8. In these circumstances, this Court is of the opinion that the applicant does not deserve discretionary relief from this Court. Accordingly, the application is dismissed.

9. Needless to say, the ad-interim protection granted to the applicant stands vacated.

JUDGE

MP Deshpande