

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

CRIMINAL APPLICATION (ABA) NO.819 OF 2019

Rambhau s/o Laxman Lipate .Vs. State of Maharashtra,through P.S.O, P.S.
Tumsar, Dist. Bhandara.

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

Court's or Judge's orders.

Mr. N.R. Ghuge, Advocate for applicant.

Mr. S.M. Ghodeswar, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 18, 2019

This application is by a job shark who is roaming free in the society and exploiting army of unemployed youth by giving them promise that if the amount is paid to him employment will be given.

2. The applicant is apprehending his arrest in connection with Crime No.399/2018 registered with Police Station, Tumsar, District Bhandara for an offence punishable under Sections 420, 465 read with Section 34 of the Indian Penal Code.

3. Heard Mr. N.R. Ghuge, learned counsel for the applicant and Mr. S.M. Ghodeswar, learned Additional Public Prosecutor for non applicant-State. Also perused the detailed reply filed on behalf of the prosecution.

4. Submission of learned counsel for the applicant is that another youth, who was also cheated and to whom a cheque was issued by the applicant towards repayment of the amount and which was dishonored, did not lodge the report. However, he filed the complaint in the Court of learned Magistrate for an offence punishable under Section 138 of the Negotiable Instruments Act. Therefore, his submission is that since the cheque issued by present applicant to the complainant, the complainant-Nitin Titarmare ought to have file complaint under Section 138 of the Negotiable Instruments Act and the present complaint lodged by him with the Police is not proper.

5. First information report is lodged by Nitin on 13.08.2018. His report would show that he was working as a driver of one Shyam Durve, a Municipal Councilor of Tumsar. According to complaint, said Shyam Durve promised complainant to provide a job in Water Resources Department however, it was asked him, for that he will have to shell out an amount of Rs.6,00,000/- (Rupees Six Lakh only). An amount to the tune of Rs.4,00,000/- (Rupees Four Lakhs only) was paid. However he could not get the job and after considerable period when he made inquiry with said Shyam Durve, it was disclosed to him that the said amount is already given to present applicant. As per the prosecution case, Nitin got knowledge that like him so many unemployed youth are cheated by the racket.

6. As per the prosecution case, on 02.06.2015, present applicant issued a cheque in favour of complainant Nitin Titarmare for an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only). Similarly, the other members of the racket also gave cheque to complainant-Nitin worth Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only). Those cheques were deposited by Nitin with a hope that he will get back his money however the bankers of the applicant as well as the other co-accused persons refused to “honour” cheques issued by applicant and other co-accused for want of sufficient funds in their respective accounts.

7. According to reply, applicant and co-accused persons who are members of job racket has collected more than Rs.33,75,000/- (Rupees Thirty Three Lakh Seventy Five Thousand) from numerous job seekers.

8. During the course of the submission or in the reply there is nothing to show for what purpose the present applicant has given a cheque of Rs.1,50,000/- in favour of Nitin. It is not the case of the applicant that there was any monitory transaction in between applicant and Nitin and in discharge of his legal debt said cheque was issued in favour of Nitin. If that be so, the statement made by Nitin is *prima facie* substantiated that he paid the amount for securing job.

9. In my view, the job seekers are the easiest prey for the job sharks like the present applicant. While dealing

with the applications for bail and anticipatory bail, it has come to the knowledge of this Court that this trend is on rise in this part of country and the job seekers are firstly allured and then they are cheated and they are left in lurch. The prosecution wants to recover bogus letters of appointment issued by the applicant and other members of racket.

10. In view of the aforesaid, I am of the view, present is not the case wherein this Court should exercise any discretion in favour of such an unscrupulous person.

Hence, the application is rejected.

JUDGE

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