

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

CRIMINAL APPLICATION NO.6516 OF 2017

DR. VARSHA ULHAS PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. S. S. Deve.
APP for Respondent/State: Mr. M. M. Nerlikar.
...

AND

CRIMINAL APPLICATION NO.6517 OF 2017

DR. VARSHA ULHAS PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. S. S. Deve.
APP for Respondent/State: Mr. S. J. Salgare.

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 20th October, 2020.

ORDER: (Per T. V. Nalawade, J.)

. In the first proceeding, relief is claimed for quashing FIR dated 29th October, 2012 (Crime No.270 of 2012), registered with Jilha Peth Police Station, District Jalgaon, for the offences punishable under Sections 406, 409, 420, 465, 468, 471, 120(B), 109 read with 34 of the Indian Penal Code and some Sections of the Prevention of Corruption

Act. The second proceeding is filed by the same Applicant for the relief of quashing of FIR dated 29th October, 2012 (Crime No.271 of 2012), registered in the same police station for similar offences.

2 Both the sides are heard. In both the matters, the learned APP made available the papers of investigation.

3 In both the matters, there is allegation against the Applicant that she had joined the conspiracy in which money of the bank was diverted illegally to the institutions, which were directly under control of one Shri Suresh Jain. By using that *modus-operandi*, the bank money, public money was misappropriated. The Applicant was director in District Cooperative Bank, Jalgaon and the allegations are in respect of disbursement of loan and giving of donation by this bank.

4 In the first proceeding, there is allegation that in the year 2001 and particularly on 8th February, 2001, resolution was passed by director board of this bank due to which amount of rupees twenty-one lakh was given as donation to one institution by name Khandesh Bhukamp Sahayeta Trust, one institution created to help the victims of earthquake. It is the allegations against the director board that the procedure was not followed and when for giving donation of amount of more than Rs.10,000/- the bank needs to take prior approval of

NABARD or the Registrar of Cooperative Society, no such approval was taken. It is also alleged that as per the procedure, such donation could have been given to the extent of 1% of the profit, but the bank was running in huge losses but the donation of aforesaid amount was given. The submissions made and record show that the director board had passed resolution on 8th February, 2001 and the minutes were confirmed in the subsequent meeting dated 7th March, 2001. Most of the directors were present in the meeting in which resolution was passed and other directors were present in the subsequent meeting when minutes of the first meeting were confirmed. It is not disputed that the present Applicant Smt. Patil, was present atleast in the second meeting as per the submissions made.

5 The submissions made and record show that the aforesaid trust was registered on 23rd March, 2001. Thus, on the date of resolution passed by the director board, the trust was not in existence. The schedule of the institution made available to the trust office, shows that same Shri Suresh Jain was the person, who was behind creation of this institution. The property of this institution was shown as cash amount of Rs.15,000/-. Thus, the amount of the bank was diverted to the institution created by the person, who was controlling the bank. As there will be charge for the offence of conspiracy, the aforesaid circumstances cannot be ignored and it cannot be said that the

Applicant had no knowledge about the conspiracy.

6 In the second proceeding, there is allegation against the directors that they diverted the money of bank by giving loan to the Municipal Council, Jalgaon, which was around rupees 59.26 crore and that was given in the years 1997 and 1998. The record collected by the police shows that the resolutions were passed by the director board in meeting in which the present Applicant was present. This loan was given by ignoring all the procedure, which is required to be followed for sanction of loan. The record shows that Suresh Jain got sanctioned loan of rupees two crore on different dates of 1997 without giving anything by way of security for the loan. Even when the previous loan was not repaid, more loan was given. The tenure of loan was extended without taking permission of the Commissioner of Cooperative. It was surprising circumstance that at the time of resolution No.38, property known as Bhikamchand Jain Market was shown as security. The shops of this building were in the possession of shop keepers and it was not possible to recover anything by selling that property. Criminal case was filed in respect of the functioning of the aforesaid local body and misappropriation of money made by the office bearers of the local body, who were under thumb of Suresh Jain. Money of local body was diverted to the concerns of Suresh Jain under pretext that Gharkuls were to be constructed for needy people of that

area. Suresh Jain and some other persons are convicted in the said case and that is the matter of record.

7 The learned counsel for Applicant submitted that the money went to Suresh Jain and the present Applicant did not get anything and everything was done by Suresh Jain. This submission is not acceptable. If the present Applicant was a member of political group created by Suresh Jain and there were aforesaid activities of that group in different institutions, it cannot be said that the present Applicant did not know that such activities were going on. She became the director of district bank and unless there are blessings of the leader, one cannot become director of such bank. It cannot be said that she did not receive anything due to these circumstances. This Court holds that the relief claimed cannot be granted as everything is the matter of record. In the result, the following order is passed:

ORDER

- I. Both the applications stand dismissed.
- II. Interim relief, if any, already given stands vacated.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]