

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

**CRIMINAL APPLICATION (ABA) 54 OF 2020**

(Nitesh s/o. Shankar Julme..vs.. State, thr PSO, PS Rajura, Dist. Chandrapur)

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

*Court's or Judge's orders.*

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Shri Bhujangrao B. Raipure, Counsel for applicant.  
Shri Ghodeswar, Addl. Public Prosecutor for non-applicant /respondent.

**CORAM: ROHIT B. DEO, J.**

**DATE: 17<sup>th</sup> FEBRUARY, 2020.**

The applicant is apprehending arrest in Crime 695 of 2019 registered with Police Station Rajura, District Chandrapur for offence punishable under sections 409 and 420 of the Indian Penal Code.

2. While protecting the applicant vide order dated 3.2.2020, the applicant was directed to attend Police Station Rajura from 6.2.2020 to 14.2.2020. The learned Addl. Public Prosecutor fairly does not dispute that the applicant has attended the Police Station, Rajura as directed and has cooperated with the Investigating Officer.

3. The amount which was allegedly misappropriated, is deposited in the treasury account. It is true that by depositing amount, assuming that any amount was misappropriated, the consequences of the misappropriation are not wiped out. However, considering the substantial delay in lodging the First Information Report, that the custodial interrogation of the complainant does not appear to be necessary and that the applicant is already facing a Departmental Enquiry, I am inclined to exercise discretion in favour of the accused.

4. Interim order dated 3.2.2020 is made absolute with the

modification that the applicant shall attend the Police Station as and when directed by the Investigating Officer.

5. The application is disposed of.

**(Rohit B. Deo, J.)**

Belkhede RS