

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

CRIMINAL APPLICATION (ABA) 330 OF 2020

(Rajesh s/o. Surjumaal Pal..vs.. State, thr PSO, PS Walgaon, Dist. Amravati)

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

Court's or Judge's orders.

Shri Deepak Khushlani, counsel for applicant.
Smt. S.S. Jachak, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE:05.10.2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant Rajesh Pal is facing prosecution for offence punishable under sections 420, 409, 120-B of the Indian Penal Code and under section 74(2) of Maharashtra Value Added Tax, 2002, vide Crime 15/2020, registered with the Economic Offences Wing, Crime Branch, Amravati.

4. The case of the prosecution is that huge tax of Rs. 4,18,74,499/- was evaded by the establishment ostensibly owned by accused 1-Pravin Khandar. However, during the investigation, Pravin Khandar was arrested on 15.1.2020 and it was revealed that he was only a front. Pravin Khandar ran a tea stall and the establishment was effectively and factually owned by the present applicant and the other co-accused Gopal Nirmal. The applicant and the

said co-accused used to procure cotton from the farmers and sell the cotton and the establishment was known as Indian Cotton Company. There is more than ample material to suggest that it was the applicant, who used to purchase the raw cotton and sell the same in open market after processing. According to the prosecution, during interrogation accused 1-Pravin Khandar has revealed that the applicant used to obtain the blank cheques signed by Pravin Khandar and all banking transactions on behalf of Indian Cotton Company used to be done by the applicant. For lending his name, Pravin Khandar used to be paid Rs. 5,000/- per month.

5. According to the prosecution, the applicant and the other co-accused Gopal Nirmal are absconding. Considering the role played by the applicant, as has emerged in the investigation, the applicant is not entitled to pre-arrest protection. Such a protection shall derail the investigation.

6. Considering the modus operandi, the submission of the learned counsel that his name does not appear in the First Information Report or in the record of the company, is of no significance. Obviously, Pravin Khandar, who is a small tea vendor was used as a front or proxy in a cold and calculated manner. The submission that investigation is complete, is noted only for rejection. The other submission that the applicant is suffering from some kidney ailment

also merits rejection.

7. Considering the gravity of the offence and the fact that effective investigation would not be possible in the absence of custodial interrogation, the application is rejected.

Judge

Belkhede RS