

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 72 of 2021

Smt. Sarita Gonde, W/o. Shri Suresh Kumar Gonde, Aged About 45 Years,
R/o. Ward No.15, Chouhanpara, Police Station Sarangarh, Tehsil-
Sarangarh, District Raigarh (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mahanadi Bhavan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector Raigarh, District Raigarh (Chhattisgarh)
3. The Sub-Divisional Police Officer, Sarangarh, District Raigarh (Chhattisgarh)
4. The Branch Manager, State Bank Of India (SBI), Sarangarh Main Branch, Raipur Road Sarangarh, Tehsil Sarangarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Ashutosh Shukla, Advocate
For State/Respondents No.1 to 3	:	Mr. Gagan Tiwari, Govt. Advocate
For Respondent No.4	:	Mr. P.R.Patankar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2021

Heard

1. Learned counsel for the petitioner would submit that the petitioner had applied for a loan from the State Bank under the government scheme of Rs.20,00,000 (Twenty Lakhs) and in order to avail the loan, the margin money of Rs.5,30,000/- was deposited. However, during the enquiry by the field officer, the petitioner was not found competent, as such, her loan application was rejected. He further submits that thereafter the petitioner sought for return of the margin money but it was not returned by the Bank and the petitioner instead was subjected to misbehavior and abusive language when she visited the Bank. The counsel further submits that the petitioner made an application to the Collector and SDOP and the Collector thereafter directed the Bank to return the amount whereby the

petitioner was served with a letter dated 09.10.2020 (Annexure P-5) whereby the State Bank asked the petitioner to approach to the Bank to get back the amount with a condition that all the complaints, which have been made before police and other authorities should be withdrawn. It is stated thereafter the said amount was not returned. Subsequently, the petitioner again made a complaint to the Collector and on a direction of the Collector, another letter was issued on 04.11.2020 (Annexure P-6) whereby the Bank informed the petitioner again to get back the amount of Rs.5,30,000/- with a condition to withdraw all the complaints. Therefore, the respondent Bank without any rhyme and reason has withheld the amount which was deposited by the petitioner as margin money by putting the unreasonable and illegal condition to get back the amount.

2. Learned counsel for the respondent No.4 on instruction of the Branch Manager Mr. Amrit Ekka and the Law Officer, who are present before the Court would submit that the petitioner initially deposited an amount of Rs.5000/- which was photoshopped and was enhanced by fraud to Rs.1,99,000/- and three deposits have said to have been made and the third deposit purports that it was made on second Saturday i.e. on 08.08.2020 on which date the Bank was closed. He further submits that Annexure P-5 & P-6 also have been changed by photoshop and the contents have been changed, therefore, the entire claim is based on fraud and no deposit of Rs.5,30,000/- was made. Therefore, on the basis of the forged documents, by way of the instant petition, relief has been tried to be obtained.
3. Perused the documents. Prima facie it shows the documents exists, however, the existence are denied by the respondent Bank. Therefore, the serious allegations have been made that those documents are photoshopped document and no deposit of Rs.5,30,000/- was made and the petition has been alleged to be filed on the basis of forged documents,

the petition is supported by an affidavit wherein the averments of the petition also supports the fact that the petitioner has deposited Rs.5,30,000/-. Considering the rival submissions, the State is directed to conduct an enquiry through the S.H.O. Sarangarh under which the jurisdiction the Bank is placed and after enquiry, if it is found that the averments of this petition are based on forged document then the suitable measures should be taken according to the provisions of penal code. It is further made clear, if it is found that the allegations are correct then the petitioner shall be at liberty to repeat this petition before this Court and her right for prosecution shall also survive. The enquiry shall be conducted within a period of three months from the date of receipt of a copy of this order. The State counsel shall also forward the entire copy of this petition along with the annexures to the concerned S.H.O. to appreciate the facts.

4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks