

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 308 OF 2021

Bhaskar Ganeshrao Savant

...Petitioner

Versus

1. State of Maharashtra and Others

...Respondents

Advocate for Petitioner : Mr. N.R. Shaikh

APP for Respondents : Mr. S.J. Salgare

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 17.11.2021

Per Court :

1. The petitioner Bhaskar Ganeshrao Savant has filed this Writ Petition for direction to respondents No. 1 to 4 to decide his written complaint dated 12.03.2019, submitted to respondent No. 4.

2. In the said complaint dated 12.03.2019, the petitioner has made allegations against the Branch Manager, Dena Bank, Branch at Selu, District Parbhani. According to him, he had applied for sanction of loan of Rs. 3,50,000/- for dairy purposes to the District Manager, Mahatma Phule Magasvargiya Vikas

Mahamandal Maryadit under the scheme Seed Capital Loan. The said Mahatma Phule Magasvargiya Vikas Mahamandal Maryadit, vide letter dated 31.10.2017, had sent the aforesaid loan proposal of petitioner to the Branch Manager, Dena Bank, Selu Branch. However, the concerned Branch Manager of the said Bank did not handle the proposal of petitioner in proper manner and under false and fabricated information, sent the said proposal back to the aforesaid Mahamandal under letter dated 26.03.2018. It is contended by the petitioner in the said complaint that the concerned Branch Manager while sending back his proposal for loan had informed the aforesaid Mahamandal that there was outstanding of earlier loan in respect of loan account No. 030954001615 of the petitioner since 23.02.2008 and also there was outstanding in respect of the loan taken by family members of the petitioner. According to the petitioner, the aforesaid loan account No. 030954001615 is not concerned with him, but in fact it was in respect of the loan taken by one Ashok Dagduba Pradhan resident of Sonna, Taluka Selu. Further, the petitioner contends that there are only two members in his family including himself and his wife Shalini and he had not taken any other loan in the name of any of his

family members from Dena Bank, Branch at Selu. He thus, contends that he is not at all defaulter of any loan amount, as stated by the concerned Branch Manager. As such, he has specifically asked respondent No. 4 to register crime against the concerned Branch Manager of the aforesaid Bank for sending false and fabricated information to the aforesaid Mahamandal and that too under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. On the contrary, learned APP by filing affidavit-in-reply of one Sarla Kashinath Gadekar, API of Selu Police Station, District Parbhani, strongly opposed the petition by giving chronological details as to how the respondents came to the conclusion that no offence under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at all committed. Learned APP along with the said affidavit-in-reply has also annexed various reports and correspondence which took place in connection of the aforesaid loan proposal of the petitioner.

4. Heard both sides and with the able assistance of the learned counsel for the petitioner and the learned APP, perused

the documents filed by rival parties.

5. Admittedly, the petitioner is belonging to scheduled caste. Further, it is also not disputed that he had applied for loan of Rs. 3,50,000/- for his diary business to the District Manager, Mahatma Phule Magasvargiya Vikas Mahamandal Maryadit under the seed capital loan scheme and it was forwarded to Dena Bank, Branch at Selu. The main allegation of the petitioner is that the concerned Branch Manager of Dena Bank, Selu provided wrong information to the aforesaid Mahamandal that the petitioner was defaulter in respect of loan account No. 030954001615 which in fact was not related to him. Further, it has also been contended by the petitioner that there were no dues of any loan of his family members as he is not a member of joint family and there is only his wife in the family who resides with him. It has also been contended by the petitioner that despite several written complaints made to respondents No. 2 to 4 from time to time, the concerned Branch Manager of Dena Bank at Selu, Mr. B.G. Pohnikar, created false record by showing false loan account number for refusal of his loan proposal.

6. However, the affidavit-in-reply filed by one Sarla Kashinath

Gadekar, API of Selu Police Station, clearly indicates that the petitioner had initially moved a representation to respondent No. 2 i.e. District Collector at Parbhani on 08.05.2018, wherein it was mentioned that how the Branch Manager of Dena Bank, Selu, had rejected his proposal with false remark and sought enquiry. It reveals that respondent No. 2 had forwarded the said representation to respondent No. 3 vide letter dated 15.05.2018 and the respondent No. 3, in turn, further forwarded the said representation on 14.06.2018 to the office of respondent No. 4 with direction to carry out the enquiry about the grievance made therein by the petitioner. Further, it appears that during the enquiry of the said representation, the concerned Branch Manager of Dena Bank, Selu, had clarified the fact about the grievance of the petitioner. According to the said clarification one Ganesh Nivrutti Sawant i.e. father of the petitioner had obtained loan of Rs. 10,000/- under the DRDA Scheme for purchasing loudspeaker on 05.01.1994, but did not repay the same till 30.09.2015. When petitioner's father showed his inability to repay the said loan there was settlement between himself and the Bank and the said loan amount was renewed as crop loan of Rs. 25,000/- under loan account No. 030913033561.

At the time of availing the said crop loan, petitioner's father had given his ration card as per KYC rules, wherein the name of present petitioner was also appearing. However, despite the renewal of the said crop loan petitioner's father could not repay the said loan and therefore, at the time of considering the loan proposal of the petitioner, it was found that some of the loan amount of that crop loan is still due. Further, at the time of enquiry in respect of the loan proposal of the petitioner, the Bank Officers had also visited the house of the petitioner and at that time, the defaulter father of the petitioner was also found to be residing with him.

7. Relying upon the clarification of the said Branch manager, the Sub Divisional Police Officer, Selu, under letter dated 23.07.2018, had intimated the learned Superintendent of Police, Parbhani, that the concerned Branch Manager of Dena Bank, Selu, acted as per rules of Bank in distribution of loan and therefore, no offence under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, was disclosed.

8. Further, it appears that the petitioner then again made

representation dated 31.12.2018 to respondent No. 2 mentioning that as to how the office of respondent No. 4 did not take action in respect of his earlier representation dated 08.05.2018, to save the concerned Branch Manager. The petitioner after his aforesaid representation dated 31.12.2018, again made another representation dated 12.03.2019, which is subject matter of this petition, on the same set of allegations to respondents No. 3 and 4 and again sought enquiry. The said representation dated 12.03.2019 was received by SDPO, Selu on 14.03.2019 and it was further forwarded to Selu Police Station on 15.03.2019. The investigating Officer of Selu Police Station again conducted an enquiry and found that since the relative of petitioner had not repaid the earlier loan amount, the loan proposal of the petitioner was rejected. The representation dated 12.03.2019 and copy of report from the Investigating Officer, Selu Police Station, are also filed on record by the respondents. Further, in the enquiry for second time conducted by SDPO, Selu, same facts were transpired as mentioned in the enquiry report dated 23.07.2018. Though, it was insisted by the petitioner to lodge the FIR against Mr. B.G. Pavnkar, Branch Manager of Dena Bank, Selu, under the provisions of Scheduled

Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, but it was also revealed that Mr. Pavnkar so also the next Branch Manager Mr. K.V. Maheshkar, were found belonging to scheduled tribe. As such, even if it is presumed that they did certain acts of annoyance to the petitioner, no crime can be registered against them under the provisions of the aforesaid Act. Moreover, the report of SDPO, Selu, dated 18.05.2019, sent to the learned Superintendent of Police, Parbhani, clearly indicates that the Branch Manager, Dena Bank, Selu, had informed Mahatma Phule Magasvargiya Vikas Mahamandal Maryadit that in the letter dated 26.03.2018, they had inadvertently quoted defaulted loan account No. 030954001615 instead of 030954033248 as that of petitioner's father. As such, though the aforestated wrongly quoted loan account pertains to one Ashok Dagduba Pradhan and not the petitioner, but the management of Dena Bank, Selu, is not asking the petitioner to pay any dues in respect of that account number. In fact, the bank management has clearly admitted their mistake and also clarified the same during the enquiry of the representation of petitioner dated 12.03.2019.

9. Thus, it appears that the grievance of the petitioner in his

representation dated 12.03.2019 and in his earlier representations has been duly enquired twice by the respondents and it has been also disclosed that no offence under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, as alleged by the petitioner, is committed by the concerned Branch Managers. Under such circumstances, we find that the representation dated 12.03.2019, which is the subject matter of this petition has already been enquired properly by the respondents and therefore, there is no need to direct them to register the FIR against the concerned Branch Manager of Dena Bank, Selu. We find that the present petition is devoid of merits and hence, we pass the following order :

ORDER

Writ Petition stands dismissed.

(SANDIPKUMAR C. MORE, J.)

(V .K. JADHAV, J.)