

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3330 OF 2021
WITH
INTERIM APPLICATION NO. 2345 OF 2021**

Pradeep Kumar Varun ...Petitioner
Versus
Union Of India & ors. ...Respondents

Ms. Yashodha Jondhale, a/w Mr. Anand Jondhale, Ms.
Rajnandini Jondhale, Mr. Ajay Jondhale & Ms. Urmila
Jondhale, i/b M/s. Jondhale & Co., for the Petitioner.
Ms. M. H. Mhatre, APP for the State/Respondent no.2.

**CORAM: S. S. SHINDE &
N. J. JAMADAR, JJ
DATED: 28th SEPTEMBER, 2021**

PC:-

1. Heard Ms. Jondhale, the learned Counsel for the petitioner.
2. This petition is preferred to quash Special Case (CBI) No.46/2019, pending on the file of the learned Judge, CBI ACB, at Sessions Court, Greater Bombay. The petitioner, who is the dismissed AGM of Punjab National Bank, has preferred this petition with the assertions that he had sanctioned the loan of Rs.9.50 Crore on 17th May, 2013 after due diligence and in accordance with the prevalent practice. On account of the

default in repayment of the loan by the borrower, prosecution has been initiated at the instance of CBI for the offences punishable under Sections 120B, 409, 420, 465, 468 and 471 of the Indian Penal Code, 1860, ("the Penal Code") and Sections 13(2) read with Section 13(1)(2) and 13(1)(d) of the Prevention of Corruption Act, against the petitioner and the Directors of the Company which had availed the loan facility, namely M/s. Vision Machines Pvt. Ltd. The petitioner asserts that he is innocent, and has been falsely implicated.

3. Heard Ms. Jondhale, the learned Counsel for the petitioner. We have perused the material on record including the report under Section 173 of the Code of Criminal Procedure, 1973, ("the Code") and its accompaniments.

4. Taking the Court through the charge formulated against the petitioner, Ms. Jondhale would urge that the role attributed to the petitioner was that of sanctioning the credit facilities to M/s. Vision Machines Pvt. Ltd. The petitioner has not indulged in any fraudulent act. The indictment is primarily against the borrower M/s. Vision Machines Pvt. Ltd. Thus according to Ms. Jondhale, no offence is, *prima facie*, made out against the petitioner.

5. We are afraid to accede to the aforesaid submissions.

Paragraphs 11 and 12 of the charge formulated against the petitioner read as under:

“11. Sh. P.K. Varun AGM of PNB, in conspiracy with Sh. Navendu Babbar, Sh. Ajay Sharma and Sh. Manish Soni and Sh. Sheetal Garg, Branch Manager of PNB, Delhi, sanctioned the credit facilities of M/s. Vision Machines Pvt. Ltd., though the borrower of M/s. Vision Machines Pvt. Ltd. was resident of Delhi, the office of M/s. Vision Machines Pvt. Ltd. was at Delhi and the factory of M/s. Vision Machines Pvt. Ltd. was at Neemrana, Rajasthan. Borrower approached at PNB, MCB, Brady House, Mumbai for sanction of credit facilities as he was having good relations with Sh. P. K. Varun overlooked various queries / discrepancies of the proposal and favoured borrower by sanctioning credit facilities to M/s. Vision Machines Pvt. Ltd. Sh. P. K. Varun did not monitor the transactions of the account which caused loss of Rs.9,97,72,372/- to PNB.

12. By favouring Sh. Navendu Babbar & Sh. Ajay Sharma, in return Sh. P. K. Varun established business relations with Sh. Navendu Babbar and Sh. Ajay Sharma for his son Sh. Anshul Varun, Sh. P. K. Varun was sharing Business relations with Sh. Navendu Babbar and Sh. Ajay Sharma. Anshul Varun, son of Sh. P. K. Varun, was Director in A5 Hospitality with Sh. Ajay Sharma & Sh. Navendu Babbar. Sh. Ajay Sharma and Anshul Varun were Director in Bravo Hotel also.

Sh. P. K. Varun is dismissed by PNB on 31.10.2017.”

6. The aforesaid allegations, *prima facie*, indicate that the loan was sanctioned and public money was siphoned off in pursuance of a criminal conspiracy. The facts adverted to in the aforesaid charge, *prima facie*, indicate that the sanction of the loan was not in the ordinary course of banking business. In addition, there are allegations to the effect that the petitioner had sanctioned the credit facilities with a view to obtain undue advantage and advance the business interest of the son of the petitioner, who was alleged to be a Director in A5 Hospitality and

Bravo Hotels, alongwith the persons who were instrumental in committing the alleged fraud. In the aforesaid view of the matter, in exercise of the inherent and extraordinary jurisdiction, we do not find it expedient to delve into the factual aspect. In our view, *prima facie* case for the offences, for which the petitioner has been arraigned, is made out. Thus, the petition does not deserve to be entertained.

7. The petition stands rejected.

8. In view of the rejection of the petition, Interim Application No.2345/2021 does not survive and accordingly stands disposed of.

[N. J. JAMADAR, J.]

[S. S. SHINDE, J.]