

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Writ Petition No. 1345 / 2021

Janata Sahakari Bank Ltd. Ajara,
Through Asst. General Manager
Shri. Minin Rujay Fernandes .. **Petitioner**
Versus.
Vishnu Datta Khule .. **Respondent**

Mr. Dheeraj D. Patil, Advocate for the Petitioner.
Mr. Anand Patil, Advocate for Respondent.
Mr. A.R. Patil, APP for State.

CORAM : SANDEEP K. SHINDE J.
DATE : 25th NOVEMBER, 2021.

P.C. : -

1. Applicant is accused in Summary Case No. 149/2016, Ajara. He moved an application below Exhibit - 40 under Section 91 of the Code of Criminal Procedure, 1973, seeking production of documents in possession of the Complainant - Bank. Application was opposed by the Bank, contending that

documents of which production was sought, pertains to loan account of Smt. Dhanashree Khule, which according to the Bank, was unconnected to 'fact in issue', besides confidentiality of her account. Yet, the trial Court directed summons to Branch Manager of the Bank to produce the documents sought by the Accused and order was confirmed in Revision on 19th August, 2020. These two orders are assailed in this Writ Petition.

2. Heard. Learned Counsel for the parties.

3. It may be stated that Smt. Dhanashree Khule is daughter-in-law of the Respondent Vishnu Khule. His case is, in past Bank had sanctioned & disbursed loan to his daughter-in-law. That loan was outstanding. Thus, to recover the said outstanding loan, Bank sanctioned loan to him and without his knowledge adjusted it against Dhanashrees' outstanding loan. Thus, he sought directions to

produce documents to support his defence.

4. Without addressing the issue on merits, it maybe stated that the Bank in its' reply to application moved by Vishnu Khule, had stated that, if Dhanashree applies for the documents and particulars, relating to her loan account, Bank will provide with all such documents and particulars to her. If that be so, in my view, it would suffice the purpose of Mr. Vishnu. Mindful of this fact, Counsel for the parties have not pressed their contentions. As such, Bank on an application being filed by Dhanashree, shall furnish her certified copies of documents and particulars, relating her loan account. In case, Bank fails or does not furnish such documents and particulars as assured, the order passed by the trial Court below Exhibit-40 shall be enforced forthwith. Petition is disposed of.

(SANDEEP K. SHINDE, J.)

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