

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

CRIMINAL APPLICATION (ABA) NO.191 OF 2021

(Pawan Umesh Bhute Vs. The State of Maharashtra thr. PSO PS Malegaon, Tah.
Malegaon, Dist. Washim)

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

Court's or Judge's orders.

Mr. R.S. Kurekar, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th APRIL, 2021.

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

2. The applicant, who was then working as Technical Officer attached with Village Panchayat Bramhanwada is apprehending arrest in Crime 578/2020 registered with Police Station Malegaon, Tahsil Malegaon, District Washim for the offences punishable under Sections 406, 409, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code.

3. The allegation is that during the tenure of the applicant, financial irregularities have been committed in execution of as many as 100 works under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Scheme).

4. It is not necessary to elaborately refer to the *modus operandi*. Suffice it to note, that one allegation is that toilets are shown to have been constructed and amount released in favour of villagers who are either fictitious person or who have not even applied under the scheme.

5. The Investigating Officer is present with the case diary. I am shown, as an illustration, the case of one Ganesh Shriram Chitode. While Ganesh has stated that he is residing with his brother and there is already a toilet facility, and that he has not applied under the scheme, an amount of Rs.12,000/- is shown to have been paid to Ganesh. One of the duties of the applicant was to periodical inspect the works and to record the measurements. I am shown the original measurement book which according to the Investigating Officer bears the signature of the applicant. Measurements which purportedly pertain to the toilet constructed by Ganesh are recorded and signed by the applicant.

6. The Investigating Officer points out that similar is the case with the other works.

7. While Mr. Kurekar submits that since the applicant has attended the police station as directed, it is trite law that custodial interrogation leads to elicitation of material which is qualitatively superior to the material which surfaces in the interrogation of a protected accused.

Considering the complexities and the different roles attributed to the contractor and other government officers, custodial interrogation of the applicant is necessary to unearth the various facets of the crime.

8. The application is dismissed.

JUDGE

NSN