

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

CRIMINAL APPLICATION (ABA) NO.324 OF 2020

(Sudhakar s/o Jayaram Asutkar Vs. State of Maharashtra thr. PSS PS Wardha (City),
Tah. & Dist. Wardha)

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

Court's or Judge's orders.

Mr. S.W. Sambre, Advocate for Applicant.
Mr. V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th JANUARY, 2021.

The applicant is apprehending arrest in Crime 868/2020 registered with Police Station Wardha City, Wardha for offence punishable under section 409 of the Indian Penal Code.

2. The applicant was working as the Secretary/Village Development Officer with Borgaon (Meghe) Gram Panchayat, Wardha.

3. The allegation is that the audit revealed that amount of Rs.7,38,590/- collected from the tax payers/villagers was not deposited in the account of the Gram Panchayat.

4. I have perused the material in the case diary and in particular the statements of the four employees who were appointed to collect the tax.

5. I do not propose to make any observation touching the said statements, lest, the makers thereof, are prejudiced. However, since brief reasons for deciding the entitlement to pre-arrest protection shall have to be indicated, I am constrained to state that the persons who collected the tax named one of them as the person who not only was responsible for collecting the tax, he was further responsible for taking the necessary entries in the cash book and depositing the amount in the bank. One of the witnesses has categorically said that the said person (not the applicant) did not deposit the amount in the bank on one pretext or the other.

6. The applicant was transferred from the said Gram Panchayat on 28.06.2017. It is stated by the learned APP Mr. Thakare that the applicant is suspended. The applicant is in no position to tamper with the evidence.

7. Considering the material on record, the applicant has made out a case for exercise of discretion. The application is allowed. The interim protection granted vide order dated 18.09.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE