

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

908 CRIMINAL WRIT PETITION NO.655 OF 2019

**DILIP S/O. RANGNATH PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioner : Mr. Kapil C. Khanapure
h/for Mr. Ajit B. Gaikwad- Pati
APP for Respondent No. 1: Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. S.S. Londhe

CORAM : ANIL L. PANSARE, J.
DATE : 27th July, 2022

ORDER:

1. The petitioner, by the present petition filed under Article 227 of the Constitution of India and under section 482 of the Code of Criminal Procedure, is seeking to challenge the order dated 27.04.2018 passed below Exhibit 28 by the learned Judicial Magistrate First Class, Aurangabad and the order dated 05.09.2018 passed by the learned Additional Sessions Judge Aurangabad in Criminal Revision No. 145 of 2018 dismissing the Revision Petition. The applicant is further seeking discharge from the proceedings being RCC No.1419 of 2014 pending before the Judicial Magistrate First Class, Aurangabad in Crime No.I-115/2013. The charge-sheet has been filed on or about 30th June, 2014. The petitioner is facing charge under section 420 of the Indian Penal Code amongst other offences.

2. Heard both the sides. The proceedings of the year 2013 is still pending. Both the courts below have refused to discharge the petitioner. The case as it appears from the record is that the petitioner has mortgaged the same property for obtaining loan from the different

Banks viz. Bank of Maharashtra, Bank of Baroda and HDFC Bank. Thus, the loan has been obtained by mortgaging the same property with different Banks. Both the Courts below have found that this being one of the important allegations against the petitioner, the case is fit to frame charge against the petitioner and therefore, rejected the application seeking discharge.

3. The only contention that has been put forth by the learned Advocate for the petitioner is that the loan has already been paid fully. However, this aspect has also been considered by the Courts below. Thus, prima facie it appears that the petitioner has committed an offence under Section 420 of the Indian Penal Code. The trial Court has also recorded that son of the petitioner who has also been arrayed as accused before the trial Court has obtained educational loan by mortgaging the property in issue and that he is absconding.

4. The aforesaid orders cannot be said to be suffering from manifest error. It cannot be said that the orders passed by the Courts below are unreasonable. Therefore, there is absolutely no substance in the petition. It is liable to be dismissed and stands dismissed accordingly.

(ANIL L. PANSARE, J.)

JPChavan