

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

WRIT PETITION NO. 11167 OF 2022

Madhukar Babanrao Kathawate .. Petitioner

Versus

The Ahmednagar District Central
Co-operative Bank Ltd., through its
General Manager and others .. Respondents

Shri Amit S. Deshpande, Advocate for the Petitioner.

**CORAM : SANDEEP V. MARNE, J.
DATE : 14TH NOVEMBER, 2022.**

FINAL ORDER :

. Present petition is filed challenging the decision of the Co-operative Court, Ahmednagar on roznama dated 05.07.2022, by which some of the documents have been exhibited. The objection to the said decision by the petitioner is that the documents are not original, but mere certified copies and, therefore, the same cannot be exhibited or read as secondary evidence.

2. The dispute has been filed by the respondent No. 1-bank against the petitioner for recovery of amount alleged to be misappropriated by the petitioner while working as its employee. There appears to be parallel criminal proceedings initiated against the petitioner for said alleged misappropriation and during the course of investigation, certain documents have been seized by the police and filed in the concerned criminal

court. Copies of those documents as certified by the criminal court were sought to be produced before the Co-operative Court in evidence. The application to file said copies was resisted by the petitioner. But by order dated 18.06.2020, the Court permitted filing of the said documents subject to the condition that they are to be proved for the purpose of being read in evidence.

3. During the course of examination in chief of the witnesses on behalf of the respondent No. 1, a challenge was sought to be produced and the petitioner had raised an objection for the same being marked as exhibit *inter alia* on the ground that the same is yet to be exhibited by the criminal court at Shevgaon. It appears that on 15th July, 2022, when the documents were marked as Exhibited, the petitioner or his advocate were not present. In my opinion, no error is committed by the Co-operative Court in marking the documents and exhibiting the same, as originals of which are filed in Criminal Court at Shevgaon and copies whereof are certified by that Court. Petition is devoid of merits. Same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]