

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

CRIMINAL REVISION APPLICATION NO. 87/2020
Nilesh Pannalal Shah ..Versus...State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Sumedh Kadam, Advocate h/f Mr. R.R.Vyas, Advocate for the applicant.
Mr. I.J.Damle, APP for Respondent/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 31/01/2022

1] Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard Mr. Sumedh Kadam, learned counsel for the applicant and Mr. Damle, APP for respondent/State.

3] The only contention advanced is that for the purpose of applying Section 408 of the I.P.C., the complainant has not placed on record, the documents indicating employment of the applicant and therefore, the conviction by the Courts below holding that Sec. 408 was applicable was not justified.

4] Mr. Damle, learned APP appearing for the State invites my attention to the evidence of the complainant Nilesh Shyamsunder Biyani, in which he has categorically

stated that from the year 2006 to 2009, the accused Nilesh Shah was employed by his establishment and was entrusted with the work of deposit and withdrawal of amount with/in the bank, making recovery, depositing of cheques etc., He further invites my attention to the cross examination of the complainant, which does not address this issue at all and therefore submits that the findings of the Courts below was justified.

5] A perusal of the evidence of the complainant Nilesj S. Biyani would indicate that a categorical statement regarding the employment of the accused, as well as the nature of work entrusted to him during the course of the employment has been deposed, as against which the nature of cross examination does not indicate any dispute regarding this position, rather on the contrary, is on the lines based upon a presumption regarding the employment of the accused, considering which I do not see any merits in the argument advance. No other point is advanced. I do not see any reason available for interference in the concurrent judgments rendered by the courts below. The revision, therefore, is without any merits and is accordingly dismissed.

Rvjalit

JUDGE

Digitally sign byRAJESH
VASANTRAO JALIT
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Signing Date:31.01.2022 16:32