

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

CRIMINAL APPLICATION NO.1505 OF 2022

Jagdish Shripatrao Manmothe

..Applicant

Vs.

The State of Maharashtra and anr.

..Respondents

Mr.Satyajit S. Bora, Advocate for applicant

Mr.N.T.Bhagat, APP for respondent no.1

Mr.Joslyn Menezes, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : AUGUST 09, 2023

ORDER :-

Heard.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicant prays for quashment of the FIR bearing Crime No.0101 of 2022, registered with New Mondha Police Station, Parbhani, for the offences punishable under Sections 406, 420, 409 and 120-B read with Section 34 of Indian Penal Code, the consequential charge sheet No.39 of 2023 and the proceedings in R.C.C. No.132 of 2023, pending before learned Judicial Magistrate, First Class, Parbhani.

3. The applicant is one of the three accused in R.C.C. No.132 of 2023. The period of crime is stated to be from May, 2018 to the

date of the filing of FIR on 15.03.2022. In short, the case of the prosecution is that the co-accused collected money from some persons with an assurance to give them employment as Class-IV employees with Municipal Corporation, Parbhani. The other two, namely, the co-accused, are the employees of the said Corporation.

4. The applicant was serving as Chief Accountant with the very Corporation. He was, however, transferred on 19th April, 2018, as Chief Accounts Officer, Zilla Parishad, Akola. Neither the prosecution nor the learned counsel appointed to represent the informant could point out any admissible statement or material, suggesting that present applicant is actively or tacitly involved in collecting money in the 'cash for job scam' took place in Municipal Corporation, Parbhani. In view of the same, we find that directing the applicant to stand trial, based on such material, would be an abuse of the process of court.

5. In the circumstances, the application is allowed in terms of prayer clause (c-1), qua the applicant.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP