IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6407 OF 2019

Shri Hari Prakash Kamath .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

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Mr.Kumar Abhishek Singh with Mr.Shubham Agrahari, Mr.Rohan Mathur and Mr.Pulkit Dhawan i/b Anoma Law Group LLP for the Appellant.

Mr.Kuldeep Patil for the CBI/Respondent No.2.

Mr.S.R.Agarkar, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 14th SEPTEMBER, 2023

P.C:-

1. Being aggrieved by the impugned order dated 05/08/2019 passed by the CBI, Special Judge, in CBI Special Case No.60 of 2010, refusing to discharge the Applicant (Accused No.2) and directing the charge to be framed under Section 228 of Cr.P.C., the Petitioner has filed the present Petition under Article 227 of the Constitution of India alongwith Section 482 of the Cr.P.C.

The Petitioner seek discharge from the CBI case and in the alternative, till the CBI obtain prior sanction under Section 19 of the Prevention of Corruption Act, 1988 (for short, **"the**

PC Act"), it is prayed that the proceedings in the Special Case be kept in abeyance.

2. The Petitioner is the Ex-Deputy Manager, Finance & Accounts Division (Outport Accounts) of Shipping Corporation of India Limited (hereinafter referred to as **"SCI"**) and he faces the accusations under Sections 418 and 420 read with Section 120-B of the Indian Penal Code (for short, **"the IPC"**) as well as under Section 13(2) read with Section 13(1)(d) of the PC Act, on being arraigned as Accused No.2 in Special Case No.60 of 2010, pending before the Special Court.

3. The Central Bureau of Investigation (**"CBI"**), Anti Corruption Branch (**"ACB"**), Mumbai registered an FIR on 21/02/2009 and on completion of investigation, the charge-sheet came to be filed on 07/07/2010.

The Petitioner is accused of abusing of his official position allegedly from 01/04/2003 to 31/03/2007, by entering into criminal conspiracy with other officials of SCI and in specific, Accused No.3-Shri Krishna Kotak (Partner of J.M.Baxi & Co.) to confer undue advantage upon Accused No.4 i.e. J.M.Baxi & Co. (for short, **"JMB"**), Shipping Agents of SCI, by releasing payments against unsupported, disallowable, unreasonable claims made by Accused No.4, without verifying and settling it, in violation of SCI guidelines.

The allegations against the Petitioner in the charge-sheet can be crystallized as under :-

> "5.2.1. The Petitioner did not direct the Accused no.4 to comply with the conditions laid down in Agency Agreement dated 20.04.1999 entered into between the SCI and the Accused No.4 and particularly, Article nos.11,12,15,16,17 and 26;
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> 5.2.2. The Petitioner failed to ensure that the bills of F.Y. 2005-06 and 2006-07 submitted by the Accused no.4 (JMB), were forwarded to the Operating Divisions/User Department for scrutiny, hence these bills were not settled/cleared;
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> 5.2.3 The Petitioner did not upload the soft copies of the bill/s submitted by the Accused no.4 (JMB), in the system of SCI and on certain occasions the uploading was delayed by more than 246 days;
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> 5.2.4. The Petitioner did not question the Accused no.4 (JMB) about the missing and unsupported vouchers from the bills submitted by Accused no.4 to the SCI; and allowed/authorised incorrect claims made by Accused no.4 for Rs.3,21,647/- during F.Y. 2005-2006 and for Rs.3,08,246/- during F.Y. 2006-2007, towards conveyance of customs officials and sundry/telephone/fax expenses etc."

4. The Petitioner moved an application under Section 227 of Cr.P.C. before the Special Judge on 20/03/2018, since in the charge-sheet there were no specific allegations against the Petitioner and according to him, the allegations are general in nature, without any specific role/task being attributed to him in the alleged conspiracy, indicating demand or acceptance of the illegal gratification or even a quid pro quo made against any accused, including the Petitioner and, hence, he deserve a discharge.

The Respondent opposed the application and the Petitioner filed a rejoinder, highlighting the retrospective applicability of the amendment to Section 19 of the PC Act, where prior sanction from the competent authority is required for prosecution of ex-public servant.

During the course of hearing, the Petitioner pleaded this ground as an alternative ground, apart from the merits of his case and categorically indicated so before the Special Judge.

By a detailed order dated 05/08/2019, the Special Judge, CBI rejected the application and the present Petition is filed.

5. Heard Mr.Kumar Abhishek Singh with Mr.Shubham Agrahari i/b Anoma Law Group LLP for the Petitioner, Mr.Kuldeep Patil for the CBI/Respondent and Mr.Agarkar, A.P.P. for the State.

With the assistance of the counsel for the Petitioner, I have perused the charge-sheet, which has levelled accusations against the Petitioner and these accusations can be broadly categorised under the following heads :-

(a) Not ensuring compliance of the Agency Agreement dated 20/04/1999;

(b) Delay in uploading of the soft copies of the bills submitted by Accused No.4(JMB) in the system of SCI;

(c) Not questioning Accused No.4 (JMB) about missing of unsupported vouchers from the bills and allow incorrect claims for Financial Years 2005-2006 and 2006-2007 towards conveyance of customs officials and sundry/telephone/fax expenses etc.

Mr.Abhishek Singh has invited my attention to the material in the charge-sheet against each of the accusation in seriatim.

Focusing himself upon the organizational structure of SCI, he would submit that it was not the responsibility of the Petitioner to ensure the compliance of the Agency Agreement with Accused No.4 as alleged, and in fact the organizational decisions are the prerogative of the management of the SCI and it was not part of the job discretion of the Petitioner. He would submit that CBI has assumed it to be the role of the Petitioner and even if assuming for the sake of convenience, it was so, it would have been the duty of the superior Officer of the Petitioner i.e. Senior Vice President of SCI or it's General Manager and definitely not a task assigned to the Deputy Manager, working in Finance and Accounts division.

The learned counsel would submit that as far as his superiors i.e. N.R.Saraiya, Senior Vice President and Smt.Vaishali Ladi, General Manager of SCI are concerned, they came to be discharged by this Court by taking into account an important aspect that sanction to prosecute them was refused by the Chairman and Managing Director of SCI, as early on 18/09/2010, when even they faced the similar accusations in the charge-sheet filed by CBI.

Mr.Singh has placed reliance upon the order passed by this Court (Coram :Smt.R.P.SondurBaldota, J.) on 15/02/2017 in Cri. Writ Petition No.322 of 2013, discharging Accused Nos.5 and 6 from Special Case No.60 of 2010 in the wake of the identical charges formulated against them.

In short, it is the submission advanced on behalf of the Petitioner that the Petitioner was not duty bound to ensure the compliance of the Agency Agreement and, hence, he cannot be held responsible for it's breach.

6. As regards the accusation of ensuring for forwarding of the bills to Operating Divisions/User Department for scrutiny, the learned counsel would submit that the vouchers/bills were indeed forwarded to the Operating Units and this is ultimately recorded in the order, refusing sanction to prosecute Accused Nos.5 and 6.

7. One more ground for accusation is the delay in uploading the soft copies of the bills submitted by JMB in the system of SCI and it is argued to be baseless, as according to the learned counsel, the charge that uploading was delayed by more than 246 days on certain occasions is without any basis and the learned counsel would rely upon the order of the sanctioning authority, which has explained the length and the reasons attributable to the delay, which is attributed to old/obsolete/faulty system prevailing in SCI, without any fault/negligence being attributed to SCI officials, which include the present Petitioner. The learned counsel would place reliance upon the Audit Report of M/s.R.B.Jain, which is part of the charge-sheet, and it is his specific contention that the delay of "246 days" has been erroneously assumed and randomly picked up by CBI. He would place reliance upon the Audit Report, where it is clearly mentioned that the mandate of the Officials of SCI, was only to identify the delay by the Agent and it cannot be said that there was any delay in uploading the soft copies of the bills/vouchers by the Outport Account Department in the system of SCI.

Dealing with the allegations of not questioning JMB about the missing and unsupported vouchers, it is a specific submission of Mr.Singh that the Petitioner was only responsible for forwarding the bills of the Agent i.e. Accused

No.4 to the Operating Division/User Department and he was not authorised to verify/approve the said bills/vouchers etc., which was the responsibility of the Operating Division/User Department.

According to Mr.Singh, the procedure adopted in SCI is, the Outport Accounts Department (where the Petitioner was working) used to forward the bills/invoices received by it from the Agents to the Operating Divisions/User Department, whose responsibility was to authorise them and only after the claims were scrutinized and authorized by the Operating Division, they are to be sent back to the Accounts Department and then the role of the Outport Account Officials would start, which is to release the funds, after deducting TDS etc.

According to Mr.Singh, CBI has failed to follow the mechanism and the procedure, which is adopted in normal course and it is the specific contention of the learned counsel that the competent authority itself had confirmed that no payments are effected, without scrutiny and authorisation and there is no loss caused to SCI/Government, and, hence, there is no question of wrongful payment having been made to JMB.

8. The learned counsel has specifically relied upon the order passed in Writ Petition NO.322 of 2013, in the case of Senior Vice President, who was in-charge of the Outport Accounts as well as the General Manager of SCI i.e. Accused Nos.5 and 6, being charge-sheeted alongwith the present Petitioner.

In the said order, the facts are traced to the note submitted by Vigilance Department of SCI, alleging (1) non reconciliation of Accounts; (2) claiming of bogus or inflated expenses by the Agents of SCI and (3) claiming of expenses by the Agents, which are not allowable in accordance with the Agency Agreement.

It is noted that on these objections being noted, SCI engaged the services of M/s. S.B.Billimoria & Co. as Auditor, which submitted it's report on 01/07/2006, pointing out the discrepancies in the Port Trust Deposit Accounts and expenses made by one of the Agents, M/s.J.M.Baxi & Co., which were not in accordance with the Agency Agreement. Thereafter, the distinct Departments were asked to submit their preliminary observations and internal Committee was constituted to scrutinize the discrepancies.

The Auditor, who was appointed, submitted his Revised Report and when the matter was placed before the Board Meeting, it was decided that sum of Rs.17.8 lakhs be recovered from the Agent together, with penalty of 100% of the amount was disallowed. It was approved by the Board with recommendation of additional recovery of Rs.53,336/- alongwith 100% penalty for the amount disallowed. Pursuant to the decision taken in the Board Meeting, an amount of Rs.17.8 lakhs together with penalty of 100% of the amount disallowed was recovered by the Senior Vice President of SCI from the Agent, M/s.J.M.Baxi & Co.. Apart from this, further recovery of Rs.53,366/- alongwith 100% penalty on the amount disallowed was also implemented, by recovering the same from the Agent.

9. The learned Single Judge, while dealing with the Petition filed by the two co-accused, senior ranking officials from SCI i.e. Senior Vice President and in-charge of Outport Accounts as well as General Manager of SCI, in the order deciding their discharge application, in the backdrop of the report submitted by M/s.S.B.Billimoria & Co. and recovery of the amount from the Agent-M/s.J.M.Baxi & Co., has specifically observed as under:-

> "3. ....The complaint alleges that M/s. J. M.Baxi & Co. was appointed as an agent of SCI without following the guidelines and was paid it's "unsupported, disallowable unreasonable claims" without verifying and settling the same. According to the complaint, payment of unsettled claim to M/s. J. M. Baxi and Co. was in violation of the guidelines of SCI. It is further alleged that the agreement signed by original accused no.1 and original accused no. 7 was by abusing their official position. Further the report of the Auditor, M/s. S.B. Billimoria and Co., and the report of the Internal Assessment Committee reveal excess payment made by way of unsupported and unreasonable expenses claimed by the agent. Respondent no.1 had appointed M/s. R. B. Jain and Association, Chartered Accountant and Auditor for verifying the allegations mentions in the FIR. In it's report dated 9th September, 2009 the Auditor observed that the above situation had arisen due to the outdated and obsolete computer accounting system prevailing in the SCI and suitable corrective measures have already been initiated by SCI. The Auditor of CBI had nothing further to add. Thus the Auditor appointed by respondent no.1 did not attribute any lapse on the part of the petitioners. Despite the report, charge-sheet came to be filed before the Special Judge, Greater Mumbai in CBI case No.RC 10(A)/2009-MUM on 7th July, 2010 against the petitioners and two more persons culminating into Special Case No. 60 of 2010. The charge-sheet alleges that, the petitioners, after taking charge of the Accounts Department and Outports Accounts respectively having ensured that the condition of order dated 20th April, 1999 with M/s. J. M. Baxi and Co. had not complied by them. They did not scrutinise the bills submitted by the agent of M/s. J. M. Baxi and Co. and soft copies of the bills were uploaded in the system of SCI. On certain occasions the uploading was delayed. As per the charge-sheet, the above facts on the part of the petitioners reveal the commission of the offences punishable under Section 120B, 420, 465, 467, 468 471 of Indian Penal Code and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988."

10. In the backdrop of the arguments advanced on behalf of the Petitioners, it is held that the charge-sheet was based on improper understanding of the facts and circumstances and there was no evidence, oral or documentary, to support the allegations and in fact, SCI had initiated Departmental Enquiry against the Petitioners, in which they were completely exonerated, Justice SondurBaldota, has further observed as under :-

> "8. In the facts of the present case, CBI has not left any stone unturned for seeking sanction of CVC to prosecute the petitioners for the offences alleged against them under the Prevention of Corruption Act. The CVC has, however, for extensively detailed reasons refused to grant sanction. The relevant portion of the official Memorandum of CVC reads as under :-
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> > *"It is apparent that undue accommodation has been granted to M/s. J. M. Baxi & Co., however, this seems to be on account of systemic failure. While it is established that the SCI had in place a faulty system which allowed M/s. J. M. Baxi & Co. to take undue advantage, personal complicity with regard to abuse of authority for granting undue accommodation, on part of Shri NR Saraiya and Smt. Ladi, with regard to their complicity is not fully established. Shri. Saraiya and Smt. Ladi as incharges of their respective Branches should have ensured that loopholes in the system were plugged and should also have brought in the open the deficiencies and lacunae in the system so that remedial measures could be undertaken. Thus, there is a strong case for RDA major penalt/against both of them. However, with regard to the processing, uploading the scrutiny of bills, the responsibility was vicarious as the work was actually to be done by Shri. Kamath. Moreover, the faulty system adopted by the SCI was continuing from much earlier period, as a matter of fact even before the time Shri. Saraiya replaced his predecessor and took over as incharge. It appears therefore that though there is strong case for prosecuting M/s. J. M. Baxi & Co. and other accused persons, malafide does not seem apparent in case of Shri. N. R. Saraiya and Smt. Ladi. However, both Shri. Saraiya, then Vice President, SCI and Smt. Vaishali Ladi, then DGM, SCI, have committed serious lapses by not discharging their assigned duties fully."*
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> Perusal of the office Memorandum of CVC and the above quoted para in particular, makes it clear that, CVC has not accepted the allegations of corruption against the petitioners. Its indictment of the petitioners is only for not being efficient in discharge of their duties by ensuring that there is a proper accounting system in place. This observation at the highest can lead to departmental action against the petitioner. As already noted hereinabove, the

> petitioners have been completely exonerated in the departmental enquiry conducted against them. Unfortunately, these aspects of the matter were completely lost sight off by the learned Special Judge."

In the wake of the aforesaid observation, apart from the aspect of sanction, which was refused by the competent authority, since it was clearly held that the loopholes in the system were plugged and there was lacuna in the system for which, the officers could not be held responsible, it was held that the material with the prosecution is not sufficient to secure conviction for the offences under the IPC, when specifically no sanction was accorded for prosecuting the Petitioners under the Prevention of Corruption Act, 1988.

11. Mr.Singh has also placed on record the communication addressed to the CBI by the competent authority/Chairman and Managing Director, SCI, when the sanction sought for prosecuting Shri N.R.Saraiya, Senior Vice President and Smt.Vaishali Ladi, General Manager of SCI, was declined in the wake of the allegations levelled against them in the charge-sheet. In the said communication dated 18/09/2010, the following conclusion is clearly recorded :-

> "As mentioned in detail in the foregoing paragraphs, after carefully going through the evidence collected by the CBI, after carefully considering all facts and circumstances of the case, and after independent application of my mind, I come to unequivocal conclusion that the allegations made, in the CBI Report and in the Draft Sanction Orders, against the accused persons, namely Shri N.R. Saraiya and Smt. Vaishali Ladi, are not substantiated and are not made out prima facie.
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> In fact the said allegations are primarily concerned with various procedural / administrative matters, such as delays, non-forwarding of accounts, etc. These are mostly accounting/

> procedural matters, and the genuine practical difficulties have already been highlighted. In any case, no criminality or illegality can be attributed in respect of these procedural matters. Such procedural delays and procedural variations are common to all Government organisations/departments; but that by itself does not mean that there was any criminal intention behind the same on the part of the said two accused persons; in fact, on the contrary, the law presupposes innocence.
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> It is also clear that a uniform procedure has been used for all agents of SCI and the same procedure has been used for M/s.J.M.Baxi & Co. as well. No special procedure has been used to favour M/s.J.M.Baxi & Co. Similar practical problems have been experienced in respect of almost all the agents in various accounting matters, and no exception can be made in the case of M/s.J.M.Baxi & Co. There is nothing to suggest that any undue favour was shown to M/s.J.M.Baxi & Co. by way of any special procedure or measures."

12. The aforesaid observations apply with equal force to the present Petitioner and, since, in exercise of power vested in the competent authority under clause (c) of sub-section (1) of Section 19 of the Prevention of Corruption Act, 1988, the sanction was refused, and as there was no prima facie material to prove that Shri N.R.Saraiya and Smt.Vaishali Ladi, did not maintain absolute integrity while serving with SCI, there is a clear refusal to accord sanction.

13. Though the learned counsel Mr.Singh would advance his submissions in the alternative about the necessity of sanction in the wake of the retrospective effect of the amendment in Section 19 of the PC Act by the (Amendment) Act No.16 of 2018 and he has placed reliance upon various pronouncements in support of his contention that the amendment in Section 19 must be read retrospectively, and he has placed reliance upon the decision of the Madras High Court in the case of ***M.Soundararajan Vs. State***[1] and it is his specific submission that the case against the Petitioner is filed in the year 2010 and though the amendment in Section 19 is given effect to from the year 2018, I am not convinced by the submission that the amendment deserve retrospective effect, being procedural in nature.

In ***State of Telangana Vs.Managipet alias Mangipet Sarveshwar Reddy***[2], the Hon'ble Apex Court has clarified the position as regards the retrospective applicability of the provisions of the Amended Act in the following words :-

> "37. Mr Guru Krishna Kumar further refers to a Single Bench judgment of the Madras High Court in M. Soundararajan v. State to contend that amended provisions of the Act as amended by Act 16 of 2018 would be applicable as the amending Act came into force before filing of the charge-sheet. We do not find any merit in the said argument. In the aforesaid case, the learned trial court applied amended provisions in the Act which came into force on 26-7-2018 and acquitted both the accused from charge under Section 13(1)(d) read with Section 13(2) of the Act. The High Court found that the order of the trial court to apply the amended provisions of the Act was not justified and remanded the matter back observing that the offences were committed prior to the amendments being carried out. In the present case, the FIR was registered on 9-11-2011 much before the Act was amended in the year 2018. Whether any offence has been committed or not has to be examined in the light of the provisions of the statute as it existed prior to the amendment carried out on 26-7-2018."

Hence, I do not find substance in the submission of the learned counsel that the sanction to prosecute the Petitioner is mandatory and, since, the prosecution is lodged without sanction, the proceedings cannot move ahead and the amendment has to be made applicable retrospectively.

1 2018 SCC OnLine Mad 13515
2 (2019) 19 SCC 87

However, since it is the alternative submission of the learned counsel, I need not focus on it, since I am convinced on the merits of the matter, which find it's genesis in the case of discharge of the co-accused, higher in ranking than that of the Petitioner, I see no reason why the present Petitioner deserve a different treatment. It is not the case of CBI that it has applied to the competent authority for seeking sanction to prosecute the Petitioner and it is too late in the day, even if it is sought almost after more than a decade and I see no reason, why the competent authority shall defer in it's reasoning, when it has clearly refused to accord the sanction in favour of two of the officials of SCI.

14. I am satisfied with the submission of Mr.Singh that in any case, what is attributed to the Petitioner, as amounting to an offence of forgery punishable under Section 420 read with Section 120-B of the IPC and the provisions of the PC Act, since no financial loss has been caused to SCI due to the alleged delay, much less any wrongful loss, within the meaning of criminal loss and, since, there is no material in the charge-sheet to establish that there is a wrongful gain to the Petitioner or rather any of the accused persons due to the said delay, the charge could not be proved. Even if merely there was some delay in uploading of certain accounts for which SCI itself offered a justification, based on genuine reasons, on the mere aspect of delay, it cannot be said that an offence of forgery has been committed.

As far as the allegation of incorrect claims made by one of the Agents, M/s.J.M.Baxi & Co. in the Financial Years 2005-

06 and 2006-07 towards conveyance of customs officials and sundry/telephone/fax expenses are concerned, the competent authority of SCI has relied upon the extract of statement of Smt.Kasturi Krishnakumar to the following effect and has summed up it's conclusion in the following words :-

> "All these expenses were incurred to protect the interest of the principals and serve the vessels and movement of the containers without any delay. However, <u>on the insistence of the principal the credit notes were issued</u> although the services have been rendered and the expenses towards conveyance, use of telephone/fax, sundry expenses were genuinely incurred by them."
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> (emphasis and underlining supplied)

It is thus clear that the said agent M/s.J.M.Baxi & Co. subsequently issued credit notes in favour of SCI to nullify the effect of the said claims made earlier by them (which though not paid and not settled yet, had been merely uploaded to the accounts). Therefore, it becomes clear from the said CBI Report itself, and from the statement of a CBI witness, that the said claims were reversed subsequently by issuing the credit notes in favour of SCI, meaning thereby that no payments had in fact been made to the said agent by the SCI."

15. The very same order has also recorded as under :-

"It is in this context that the agents of the SCI might also have been following the said practice followed by various shipping companies. Since, the agent would be providing such service on behalf of SCI, it follows that expenditure on this count is to be borne by SCI. Thus, claims by the agent for such service provided are legitimate claims. However, it needs to be clarified that as a policy matter, the claims, where the agent has not provided supporting papers of the service providers, are disallowable by SCI.

... ...

Without prejudice to what is stated above, it is reasserted that in so far as the impugned claims of Rs.3,08,246 and Rs.3,21,647.50 are concerned, the said claims were never settled/ authorised/ sanctioned by the SCI and no payments were made therefor. On the contrary, as mentioned earlier, on the insistence of the SCI, the said agent M/s.J.M.Baxi & Co.

has already reversed the said claims by issuing credit notes in favour of SCI. So, nothing survives for the said claims as far as SCI is concerned.

Thus, it is unequivocally clear that the vehicle used by the agent during the visit of a ship is used not only for escorting Customs officers but also for various other important and urgent works related to the visit of a ship that cannot be delayed for the reasons, explained already. Escorting Customs officers is only one of such works. Moreover, each such work would involve using the vehicle for a few kilometers, but using the vehicle for the full day for several such works as mentioned above would mean about, say 100 km per day. Just to illustrate this point, annexed hereto as **Exhibit-12** is a Transport Requisition Slip vide which a claim of Rs.800/- was filed by the said agent M/s.J.M.Baxi & Co. for using the vehicle No.MH 06 T 8215 for a total distance of 86 km from 1100 hrs to 1800 hrs. on 05/05/2006 for the visit of the OPA Vessel M.T.Suvarna Swarajya."

16. In the wake of the aforesaid, since the material in the charge-sheet falls short of the accusations that are levelled and, since, the co-accused stand discharged by order of this Court passed on 15/02/2017, applying the very same parameters, even the Petitioner deserve a discharge on merits as well as on the ground that till date no sanction is obtained from the competent authority to prosecute him. This is an additional ground, apart from the merits of the mater, since the material in the charge-sheet falls short of the accusations and in exercise of power under Article 227 of the Constitution of India alongwith the inherent power conferred under Section 482 of Cr.P.C., I am empowered to sift and weigh the evidence for the limited purpose of finding out, whether or not a prima facie case has been made out. While exercising my power, since I am of the firm opinion on the basis of the material, that the case against the Petitioner is suspicious, I deem it appropriate to exercise the said power, as the continuation of the proceedings against the Petitioner would be an empty formality, with no chance of sustaining a conviction and would amount to abuse of process of law.

For the above reason, by quashing and setting aside of the impugned order, the Writ Petition is made absolute,.

(SMT. BHARATI DANGRE, J.)