IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 311 OF 2024

Shriram Date and ors. … Applicants

Versus

The State of Maharashtra and anr. … Respondents

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Mr. P. D. Prasad Rao a/w Devika Purav for the Applicant.
Mr. Y. M. Nakhwa, APP for the State.

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CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.

DATED : 15.03.2024

P.C. :-

It is contended that the applicant No.1 is the Chief Executive Officer of Janakalyan Sahakari Bank Ltd (JSBL). The applicant No.2 was the then Assistant General Manager in the Credit Department of said bank. He has left the bank and presently working with Saraswat Bank. The applicant No.3 is Assistant General Manager of the Bank. The applicants are challenging the FIR dated 26.10.2023 registered with Chembur police station vide Crime No. 627 of 2023 for offence under Sections 420, 465, 467, 471, 468, 120-B of the Indian Penal Code.

2. It is submitted that the respondent No.2 is one of the Guarantor and Director of the borrower company M/s. Yashyog Infrastructure Development Private Ltd. to whom Bill

Discounting facility was advanced by the Bank.

3. It is alleged that the complainant is in the business of construction. Contracts were taken from MEP Infrastructure & Development Ltd. (MEPIDL) for construction of Goa Mumbai Highway. Against Bills, MEPIDL deposited amount into the account of the complainant. The balance amount was to be deposited by MEPIDL. The complainant was informed that current account will have to be opened with JKSBL. MEPIDL paid amount towards bills to the complainant. MEPIDL requested for documents with the complainant for arranging 10 crores. The complainant realised that the documents indicated that Bill Discounting being sanctioned in the name of complainant's company. Amount was credited into the complainant's account. Thus bill amount was paid by MEPIDL from JKSBL. Thereafter JKSBL filed case for recovery of loan on 11.03.2020 against the complainant. Signatures of complainant and his wife were forged. The Bank and MEPIDL fabricated documents.

4. It is submitted that the FIR is false. It is lodged to intimidate the bank officials from pursuing recovery proceedings. Bank had sanctioned Bill Discounting facility of 10 crores as per sanction letter. Amount of Rs.8,98,34,810.40 was received by the respondents in current account of borrower company maintained with JKSBL. The documents were executed by borrower company and guarantors at the office of Bank. The borrower company addressed letters making

reference to Bill Discounting amount. Recovery application was served upon borrowers. No role is attributed to the applicants. No offence is made out.

5. Issue notice to respondent No. 2, returnable on 11.06.2024. In the meantime, no coercive action shall be initiated against the applicants *qua* the impugned FIR.

(N.R. BORKAR, J.) **(PRAKASH D. NAIK, J.)**