



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

CRIMINAL APPLICATION (BA) NO. 707 OF 2024

Sau Meenakshi Chandrakant Malode Vs State Of Maharashtra

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

Court's or Judge's Order

Mr. S.P Bhandarkar, counsel with Mr. A.C. Khadse, counsel for applicant.
Mr. H.D.Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/12/2024.

1. The applicant came to be arrested on 17/08/2023 in connection with Crime No. 1382/2022 registered with Police Station, Gadgenagar District Amravati for the offence punishable under Sections 419, 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of a report lodged by Akshay Ravindra Ukey alleging that the co-accused and the present applicant had set up Arbitration Tribunal and promised the complainant that his matter would be settled and the complainant would get his property vacated along with the arrears of rent from his tenant. It is further alleged that the complainant was promised of such settlement within one month. The complainant further alleged that on various occasions he had transferred the money to the co-accused, and the present applicant and his

matter was not settled, but he was duped. On the basis of said report, the crime is registered.

3. Heard, learned counsel for the applicant, who submitted that the offences alleged for which the punishment is up to seven years. He further submitted that now, the investigation is completed, charge-sheet is filed, and further incarceration of the present applicant is not required. Moreover, there is a delay in trial since 17/08/2023, the applicant is behind bars. Considering all these aspects, she be released on bail.

4. Learned APP strongly opposed the application on the ground that the FIR is lodged on the basis of a report lodged by Akshay Ravindra Ukey. On an allegation that he has given a ground floor of his house on a monthly rent of Rs. 17,000/- to one Sunil Maganlal Sachdev on executing the agreement for the period from 10/01/2021 to 03/11/2021. However, the tenant was not vacating the tenanted premises, hence, on 05/03/2022, he went to lodge the report in Rajapeth Police Station, wherein he met the Police Constable Gawande, who advised him to contact present applicant Minakshi Malode. On 22/07/2022 he met her and disclosed the issue. Whereupon, she assured the arrears of rent as well as to vacate the premises, in that behalf he has to pay Rs.70,000/-. Accordingly, on 23/07/2022 he paid Rs.50,000/- in cash. Thereafter, she again demanded Rs.20,000/- to vacate the premises. On 25/07/2022, when he met the present applicant at Arbitration Center, he also met the co-accused. On

26/07/2022, when the informant went to the residence of the present applicant, she asked him to pay Rs.10,000/- more. As per the directions of the co-accused, he has prepared Power of Attorney for Arbitration purpose and given one application for the appointment of receiver, one Amol Sontakke, and Sunil Nichar to hand over the possession. Thereafter, he attempted to meet the present applicant, but she was not found in Arbitration Center, and it was informed to him that the order of the Arbitration Center was challenged before this Court and obtained the stay to the present proceedings, but in spite of repeated demand, no document was supplied to him, and therefore, he approached the Police Station.

5. During the investigation, the office search of the present applicant was conducted, and various documents, including the registration of the partnership firm, the partnership agreement between the applicant and one Archana Sanjay Ganorkar, the GST Registration Certificate, Registration Certificate of Udyog Aadhar, Cheque book, Register containing visitor book and etc. documents were seized. It also revealed that 1756 proceedings were pending for the hearing. It further revealed that the applicant issued a letter under the head of Arbitration Center in the capacity of Arbitrator to Senior Police Inspector, Rajapeth Police Station, and directed to register an offence under Sections 188 and 228 of the Indian Penal Code. It further revealed that after the arrest of the concerned accused, he should be produced before the Tribunal in order to initiate action as per Section 340 of the Code of Criminal Procedure. The investigation papers

further show that the applicant has also issued the letter to the Divisional Commissioner and Collector to make available the suitable premises for running the Arbitration Center. Thus, it is submitted that considering the allegation levelled against the present applicant, who posed herself as a Judicial Officer of the Arbitration Center and issued various communications to various authorities. In view of that, he prayed for rejection of the application.

6. After hearing both sides and on perusal of the investigation papers, it reveals that during the office search of the present applicant and other co-accused, various incriminating documents are seized. It also revealed that 1756 proceedings were pending for the hearing. It further revealed that the applicant issued a letter to the various authorities posing that she is the head of the Arbitration Center in the capacity of arbitrator and issued the letters to the Senior Police Inspector of Rajapeth Police Station and directed them to register the offence under Sections 188 and 228 of the Indian Penal Code. It was further directed that after the arrest of the concerned accused, he should be produced before the Tribunal in order to action as per Section 340 of the Code of Criminal Procedure. The investigation papers further show that the applicant also issued the letter to the Divisional Commissioner and Collector to make available suitable premises to run the Arbitration Center. The letter is issued to the PWD department requesting to allot Government residential premises to run said arbitration center. The said letter was signed by the present applicant as well as other co-accused in the capacity of

Arbitration Officer. The aforesaid material shows that the applicant made correspondence in the capacity of arbitration officer and posed themselves as a public servant. Not only, the applicant personated herself as an officer of the court, but she also represented the public at large that she is working under the guidance of the Hon'ble Apex Court and she is authorized to run the Arbitration Center by the Hon'ble Apex Court. The investigating officer has recorded the statement of Staff working in the Tribunal from which the involvement of the present applicant is revealed. Thus, the entire investigation, which is conducted by the investigating agency, shows that the present applicant not only posed herself as a public servant of the government institution but also personated herself as a presiding officer of the court, which establish or deciding the dispute. The applicant has established the said arbitration court and appointed various persons and decided the matters like matrimonial matters, child custody matters, and so on. Thus, the said arbitration tribunal is run by the present applicant. it seems to be a parallel system to the court and adjudicated the matter without any authority. The allegation itself are of serious nature, the prima-facie case is made out against the present applicant.

7. As far as the ground raised in the application that there is a delay in trial, the applicant is arrested on 17/08/2023, the status report called from the concerned court shows that it was the applicant and the other co-accused who have filed various documents and applications for discharged as well as for bail, wherein the time of the court was

consumed and thereafter this application is filed on the ground of delay in trial.

8. In view of the observation of the Hon'ble Apex Court in the case of *[X Vs State of Rajasthan in Special Leave Petition (Criminal) No. 13378/2024 dated 27/11/2024]*, wherein it is observed that it is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.

9. In view of the above circumstances and considering the fact that the applicant is not only involved in the offence of impersonation but also the parallel system run by the present applicant and other co-accused. Thus, considering the gravity of the offence, that applicant has not only extracted the money from the litigants but misled the government authorities by way of issuing the illegal orders, posing themselves as officers of the court of law, and issued the directions to take action against the litigants, even though they have exercised the powers of the High Court.

Considering the above act, which is grievous in nature, the application of the present applicant deserves to be rejected. Accordingly, I proceed to pass the following order.

The application is **rejected and disposed of.**

[URMILA JOSHI-PHALKE, J.]