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

910 CRIMINAL WRIT PETITION NO. 1128 OF 2021

**SATISH BHAGWANDAS GUPTA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Ms Supriya B. Kulkarni, Advocate h/f Mr N. K. Tungar, Advocate for
Petitioners

Mr V. M. Lomte, APP for Respondent No.1/State

Mr P. C. Mayure, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 3rd DECEMBER 2025

P. C. :

1. This motion for modifying the order of this Court dated 19/11/2025 is moved by Mr Mayure, learned Advocate for respondent No.2. He submits that this criminal writ petition has been disposed of by this Court vide order dated 19/11/2025 and submits that this order shall not cause any influence on the authorities such as the Sub-Registrar of the Cooperative Societies before whom the proceedings between the parties are pending.

2. In view of the above, following lines be added in the order dated 19/11/2025 :-

“The observations made in this order are for the purpose of deciding this petition and Courts and other authorities shall not be

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influenced by this order while deciding the cases pending before them, if any.”

3. The order dated 19/11/2025 be corrected and accordingly and corrected order be uploaded.

[SUSHIL M. GHODESWAR, J.]

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(This order dated 19/11/2025 is modified in view of the order dated 03/12/2025)

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

CRIMINAL WRIT PETITION NO.1128 OF 2021

1. Satish s/o Bhagwandas Gupta
 2. Sanjay s/o Shankarappa Bhangire
 3. Sanjay s/o Vasantrao Jamdar
-PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Bhokardan,
Tq. Bhokardan, Dist. Jalna
 2. Nandkumar Prabhakarrrao Deshpande
-RESPONDENTS

.....

Mr Nikhilesh K. Tungar, Advocate for Petitioners
Mr V. M. Lomte, APP for Respondent No.1/State
Mr P. C. Mayure, Advocate for Respondent No.3

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 19th NOVEMBER 2025

P. C. :

1. By this petition, the petitioners are challenging the order dated 11/08/2021, passed by the learned Judicial Magistrate First Class, Court No.2, Bhokardan, thereby issuing process against them and criminal proceedings initiated against them in Criminal M.A. No.447/2019 for the offences punishable under Section 420, 467, 468, 469, read with Section 34 of the Indian Penal Code.

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2. According to the petitioners, they are the office bearers of Chikhali Urban Cooperative Bank Ltd., Chikhali, Dist. Buldhana. Petitioner No.1 is the Chairman of the Bank, and is resident of Jafrabad Road, Chikhali, Dist. Buldhana. Petitioner No.2 is the Chief Manager of said Bank and resident of Chikhali, whereas respondent No.3 was the Bank Manager of Bhokardan Branch of the said Bank at the relevant time and is also resident of Chikhali. Respondent No.2 is the original complainant, who had leased out his premises to the Bank for a period of 12 years from 01/04/2007 to 01/04/2019. However, at the end of said period, in view of certain dispute between complainant and Bank, the Bank had filed civil suit bearing Regular Civil Suit No.74/2019 against respondent No.2 before the learned Civil Judge Junior Division, Bhokardan, seeking injunction against him for obstructing and interfering in the operations of the Bank. However, the Bank withdrew the same as it had already shifted to alternate premises. Respondent No.2 also filed counter claim against the Bank for enhancement of rent before learned Civil Court.

3. One Raju Suryabhan Sonawane, who was driver of respondent No.2 had applied for loan to Bhokardan Branch of the Bank for an amount of Rs.50,000/- for business purpose, for which respondent No.2 was one of the guarantors. The loan was sanctioned

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and disbursed, however, borrower Mr Sonawane failed to repay the said loan, and therefore, the Bank had filed recovery proceedings under Section 101 of the Maharashtra Cooperative Societies Act, 1960 against borrower and respondent No.2, who was guarantor. Respondent No.2 resisted the claim of Bank before the Registrar, Cooperative Societies, Aurangabad which are still pending with the said authority.

4. On 18/11/2019, respondent No.2 filed a complaint against the petitioners with the Police Station, Bhokardan, making allegations that the petitioners have prepared false and fabricated documents in the aforesaid loan case and he was never a guarantor to the said loan. Police did not find substance in the allegations of respondent No.2 and no cognizance of said offence was taken, and therefore, on 06/12/2019, respondent No.2 had filed private complaint bearing Misc. Criminal Application No.447/2019 before the learned Judicial Magistrate First Class, Bhokardan, alleging that he never signed on any loan documents as a guarantor of the loan and the petitioners have prepared false and fabricated documents in the said loan. Learned Judicial Magistrate First Class, vide his order dated 30/01/2020, rejected the prayer of respondent No.2, observing that there is no requirement of police investigation under Section 156(3) of the Code of Criminal

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Procedure, however, in the same order, the learned Judicial Magistrate First Class granted liberty to examine respondent No.2/complainant under Section 200 of the Code of Criminal Procedure. Thereafter, the said Judicial Magistrate passed another order on 25/09/2020. In pursuance of the said order dated 25/09/2020, the learned Judicial Magistrate directed the Police to make an inquiry in the matter under Section 202 of the Code of Criminal Procedure and submit report. Thereafter, the Police investigated the matter and filed the report on 15/06/2021 before the learned Judicial Magistrate. On the basis of the said report, learned Judicial Magistrate First Class issued process against the petitioners for the offences punishable under Sections 420, 467, 468, 469 read with Section 34 of the Indian Penal Code. Being aggrieved by the said order, the petitioners have approached this Court.

5. Heard learned Advocate Mr Tungar for the petitioners, learned APP Mr Lomte for respondent No.1/State and learned Advocate Mr Mayure for respondent No.2/complainant.

6. Learned Advocate for the petitioners submits that the impugned order dated 11/08/2021 is not sustainable and the learned Judicial Magistrate failed to consider that the petitioners are at all not responsible for the offence for which the process is issued against

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them. He further submits that respondent No.2/complainant had grudge against the petitioners on account of refusing to let into his premises and therefore, he filed complaint by levelling false accusations against the petitioners. He then submits that the learned Judicial Magistrate First Class has not applied his mind while passing the order of issuing process against petitioners. He has virtually failed being not scrutinizing the evidence brought on record properly. He further submits that the alleged offence of forgery are required to be referred for expert opinion before issuing process against the accused persons. He further submits that respondent No.2 was original landlord of the Bank premises. Raju Sonawane was a driver of respondent No.2 who had borrowed the loan of Rs.50,000/- from the Bank of the Petitioners i.e. Chikhali Urban Bank, Chikhali. Respondent No.2 stood guarantor to the said loan. On account of previous dispute, respondent No.2 alleged that the Bank has prepared false and fabricated documents in the said loan case in order to take revenge against him by deliberately inserting his name as a guarantor by using his false signature. Based upon these allegations, respondent No.2 approached the learned Judicial Magistrate for initiating prosecution against the petitioners for the offences punishable under Sections 420, 467, 468, 469 read with Section 34 of the Indian Penal

Code. He then invites attention of this Court to the impugned order dated 11/08/2021, passed by the learned Judicial Magistrate First Class (Court No.2), Bhokardan, wherein process came to be issued against accused Nos.1 to 3 i.e. petitioners herein. He further submits that, vide resolution of Board of Directors of Chikhali Urban Bank, dated 29/09/2015, all the powers had been given to the Bank Managers for sanctioning the loan upto amount of Rs.50,000/-. According to him, petitioner Nos.1 and 2 who are Chairman and Chief Manager of the Bank, respectively, are at all not any way responsible for granting of loan to said borrower Raju Sonawane, driver of respondent No.2. According to him, petitioner Nos.1 and 2 have not played any role in the instance case for sanctioning of loan to the said applicant/Raju Sonawane. He also pointed out that report of private handwriting expert was procured, who had certified that the signature of respondent No.2 on application of loan documents and the complaints before the criminal Court as well as suit before the Civil Court are matching, and therefore, it is crystal clear that signature of respondent No.2 are not forged.

7. Learned APP and learned Advocate for respondent No.2 strongly oppose the petition. They support the order of learned Judicial Magistrate of issuing process against the petitioners and

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submit that the learned Judicial Magistrate has rightly observed that the petitioners have committed offence punishable under Sections 420, 467, 468, 469 read with Section 34 of the Indian Penal Code. Therefore, they pray for rejecting the instant petition.

8. Upon perusal of the papers available on record and after hearing the submissions advanced by the learned Advocates for the respective sides, it can be said that, petitioner Nos.1 and 2 are not involved in the instant loan case as the loan case was sanctioned at the Branch of the Bank at Bhokardan, Dist. Jalna, whereas petitioner Nos.1 and 2 are the office bearers of the Branch of the said Bank in the capacity of Chairman and Chief Manager, respectively, residents of Chikhali, Dist. Buldhana. They cannot be held responsible for sanction of the said loan. Sanctioning of loan upto Rs.50,000/- is empowered with the Branch Manager of concerned Branch, and therefore, prosecution may go against respondent No.3. Further, the aspect of examining the signatures of respondent No.2/complainant on the aforesaid loan documents will be considered by the concerned Court in its regular mode, however, at this stage, as stated above, since nothing incriminating material is found against petitioner Nos.1 and 2, the instant petition is succeeded against petitioner Nos.1 and 2 only.

However, the same is dismissed against petitioner No.3. Thus, the petition is partly allowed. The order dated 11/08/2021, passed by the learned Judicial Magistrate First Class, Court No.2, Bhokardan, issuing process and criminal proceedings initiated in Criminal M.A. No.447/2019 for the offences punishable under Section 420, 467, 468, 469, read with Section 34 of the Indian Penal Code, is hereby quashed and set aside to the extent of petitioner Nos.1 and 2.

9. The observations made in this order are for the purpose of deciding this petition and Courts and other authorities shall not be influenced by this order while deciding the cases pending before them, if any.

[SUSHIL M. GHODESWAR, J.]

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