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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5353 OF 2024

Satish Harishchandra Pisal

..... Petitioner

VERSUS

The State of Maharashtra

..... Respondent

...

Mr. Ritesh Thobde i/b. Zubi Ansari for the Petitioner.

Mr. A. A. Palkar, A.P.P. for the State – Respondent No.1.

....

**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 17th January, 2025

P.C. :

1. We have considered the submissions of the learned Advocate for the Petitioner and the learned A.P.P. With their assistance, we have gone through the Petition paper-book and the record available.

2. After hearing the learned Advocate for the Petitioner, we expressed our disinclination. However, on instructions, he prays for an order.

3. A First Information Report (FIR) dated 1st April, 2023 bearing No. 0148, was registered with the M.H.B.Colony Police Station, Brihan Mumbai City. There are four Accused in the said FIR. Accused No.3 is before the Court.

4. A detailed version of the complaint is a part of the FIR which indicates that during the period of demonetization, the Complainant was assured by their vehicle driver Ashok Golande and his son Mahesh Golande, that they would ensure that the amount of Rs.60,00,000/- (out of circulation notes), available with the Complainant's husband, would be replaced by such notes which are in vogue. Accused Nos. 1 and 2, then collected the money (the old out of circulation notes) and had assured the Complainant that their close relative, Satish Harishchandra Pisal (the present Petitioner) who operates a hotel and petrol pump, would give them the in in-use notes. Rs.60,00,000/- were collected with the assurance of getting them exchanged.

5. The husband of the Complainant passed away due to jaundice in March 2019. When the Complainant insisted for the delivery of the exchanged notes, she was informed that the same would be done.

There are six bank cheques, which are mentioned in the FIR for a total amount of Rs.16,00,000/-, which were delivered by the Accused Nos. 1 and 2 to the Complainant and all the cheques were dishonoured.

6. The Petitioner has placed on record a receipt executed by the Complainant on 24th July, 2023 wherein it is stated that Accused Nos.1, 2 and 3 (the Petitioner is the 3rd Accused), have delivered a sum of Rs.22,00,000/- by NEFT transaction to the Complainant. An amount of Rs.5,00,000/- was deposited in the account of one Rani Prashant Kathane, an amount of Rs.6,50,000/- in favour of Swara Enterprises, an amount of Rs.2,50,000/- in favour of Nanaso Vishnu Gawali and an amount of Rs.8,00,000/- in the name of Mahesh Ashok Golande who is Accused No.2. The Complainant executed the receipt to acknowledge having received Rs.22,00,000/-.

7. The learned A.P.P. is justified in contending that this money trail has to be traced out. It appears that Accused Nos. 1, 2 and 3, were involved in such exchange of old notes with new notes. The offence made out by the Complainant needs to be tried before the Court since, if proved, the Accused would be liable to suffer the sentence as is prescribed.

8. We have referred to the following judgments of the Hon'ble Supreme Court :-

(a) *Naresh Aneja alias Naresh Kumar Aneja vs.*

State of Uttar Pradesh & Anr., 2025 SCC OnLine SC 3

(b) *Kim Wansoo vs. State of Uttar Pradesh &*

Others, 2025 SCC OnLine SC 17

(c) *Central Bureau of Investigation vs. Aryan Singh*

Etc., AIR 2023 SC 1987

(d) *State of Odisha vs. Pratima Mohanty & Others,*

(2022) 16 SCC 703

9. Considering the above, this Court is not expected to appreciate the probative value of the evidence being tendered before the Court, as if a mini trial is to be conducted. If an offence is made out, the same needs to be tried before the Trial Court.

10. In view of the above, **this Writ Petition is dismissed.**

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)