



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 68 OF 2025

Ganesh Hardewlal Jaiswal

.Vs.

The State of Maharashtra, through PS Parwa, Tq. Arni, Distt. Yavatmal and others

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions Court's or Judge's orders.
 and Registrar's Orders.

Mr Chaitanya Kulkarni, Advocate for the applicant
 Mr. M. N. Phadke, Advocate for the respondent Nos. 2 and 3
 Mr A. G. Mate, APP for respondent No.1/State

CORAM : ANIL S. KILOR, J.

DATED : MARCH 17, 2025.

Heard.

2. The order dated 09.01.2021 passed below Exh. 1 by the learned Judicial Magistrate First Cast, Ghatanji, calling the report of the superior officer as per the provision of Section 175 (4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS, 2023') is under challenge in this petition.

3. It is the case of the petitioner/complainant that he is the owner of the property in question and when he approached to the bank for financial assistance, cash credit facility was made available to him amounting to Rs.15,00,000/- (Rupees Fifteen Lakhs only) which was time to time increased. Thereafter, the bank declared the account

of the petitioner/complainant as NPA and initiated recovery proceeding under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is alleged that in the said proceeding, the request was made by him time to time to supply documents alongwith loan agreement but that request was not considered, but the copy of hypothecation agreement was supplied.

4. It is further stated by the petitioner that the accused have created forged mortgage deed in connection with the loan availed from the bank and in the said backdrop, he approached to the learned Judicial magistrate First Class, Ghatanji by filing a complaint vide OMCA No. 105 of 2024 under Section 175(3) of BNSS 2023. In the said proceeding, learned Magistrate vide order dated 09.01.2025 issued direction under Section 175 (4) (a) of the BNSS 2023 to the Zonal Officer, Bank of Maharashtra, Chandrapur to file report containing the facts and circumstances of the alleged offence.

5. The above referred order is under challenge on the ground that the Zonal Officer is made as accused in the said complaint and therefore, calling the report from the Zonal Officer will not serve any purpose.

6. I do not find any merit in the said submissions for the reasons that the allegations are mainly against the

respondent No. 2 and the Zonal Officer is made party in the capacity that he is the custodian of the record. There are no allegations against respondent No.3 as regards the fabrication or creation of any record.

7. In the circumstances, the objection is misconceived and further after submission of report by the Zonal Officer, if the petitioner has any objection he may avail the remedies, if any, available to him as per the law to object such report. In that view of the matter, since there is no merit in the writ petition. The writ petition is **dismissed**.

(ANIL S. KILOR, J.)

Namrata