



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

CRIMINAL APPLICATION (ABA) NO. 305 OF 2026

(Pankaj Vasantrao Botare Vs. The State, thr PSO, PS Ranapratap Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. S.K. Kale, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 30.04.2026

Heard.

2. Apprehending arrest, the sole accused in the FIR No. 136/2026, dated 29.3.2026, registered with Ranapratap Nagar Police Station, Nagpur, for the offences punishable under Sections 316(4) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 has approached this Court.

3. The FIR was lodged at the behest of one Ms. Priyanka Pawar, who was working on the post of Chief Executive Officer of Viveka Hospital, Nagpur. The applicant was working with the Bill Section and during his tenure, he used to handle the work pertaining to preparation of the bills and doing the cash transactions. He was given access to 'MedNet Billing Application' and was authorized to complete the process of acceptance of the cash and refund of the same to the patients. According to the FIR, in Internal audit conducted by the said hospital and after considering the entries of bills, it was found that the applicant intentionally made or deleted certain entries and falsely shown

that the amount was refunded to the patient or their representatives. The said amount then was misappropriated by the informant. It was further alleged in the FIR that in order to recover the amount of refund, the entries in the account of the patients taking treatment were taken. It was also done with a view to match the income and expenses of every day. Thus, according to FIR, though, patients were not entitled for refunds, were shown to have paid the refund amount and for that bogus entries regarding refund were taken on the old bills. The suspected amount according to FIR was of Rs. 20,74,632/-. It was further alleged in the FIR that most of the said transactions were made from the user ID of the applicant. The user ID of co-employee was also misused by the applicant. The period of misappropriation was shown in between 25.5.2023 till 6.3.2025. It is in this background, the Investigating Agency started investigation.

4. The learned counsel for the applicant, in the aforesaid background, contended that he is falsely implicated. The internal enquiry report and the audit report is not sufficient to register the FIR against him. He further submitted that he has been given notice under Section 35(3) and he is ready to attend the Police Station. He further argued that the entire case is based on the documentary evidence, and therefore, custodial interrogation of the applicant is not required. According to him, he had submitted a complaint on 27.3.2026 to Ranaprata Police Station against the employees of the hospital and therefore, in order to give counterblast, on 29.3.2026, FIR was lodged against him.

5. Per contra, the learned APP has argued that the applicant has no respect for law since, he has not attended the Police Station though notice was issued to him. The learned APP has also invited my attention to the observations made by the Sessions Court in paragraph 9 of the order dated 10.4.2026 in Cri. Bail Application No. 812/2026 and has argued that inspite of giving interim protection, the applicant did not attend the Police Station whenever called by the Investigating Officer. He further submitted that there is nothing on record to show that the complaint dated 27.3.2026 was submitted by the applicant to the concerned Police Station. He further submitted that during the course of investigation, statements of several witnesses were record who had stated that they had taken the treatment in the hospital long back in the year 2021 or in the year 2022-23 and had never raised claim for refund or received any amount from the hospital. He submitted that prima facie, a case is made out against the applicant.

6. With the able assistance of the learned counsels for the respective parties, I have gone through the record.

7. The FIR clearly shows that applicant was employed with Billing Section and refund of the amount to the patient was required to be processed through "MedNet" application. The applicant was given user ID and through it, by taking entries of old bill, refund was shown to have been made. The amount involved is Rs. 20,74,632/-. The conduct of the applicant in not cooperating the Investigating Agency is clear from the order passed by the Sessions Court. The affidavit in reply filed by the

APP shows that the statement of witnesses were recorded who had stated that they had never raised demand for refund of amount. Thus, prima facie, case is made out against the applicant. In view of the aforesaid discussion, the application is rejected.

(RAJNISH R. VYAS, J.)

Belkhede, PS