R.C.C.No. 398/2002.
State/Pawanraje & others.

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT OSMANABAD.

State of Maharashtra ---- Complainant.
V/s.
Pawanraje Nimbalkar & others ---- Accused.

DRAFT/PROPOSED CHARGE

That, on perusal of the complaint, statement of witnesses it appears that there is reasonable grounds to frame the charge under sec. 120B, 409, 420, 406, 468, 465 and 471 r/w. 34 of I.P.C.

3. Vinayak Digambar Malvade.
   Age 56 years, Occu. Service.
   R/o. Saraswati Niwas, Patel Chowk, Teli Galli, Latur.
4. Harischandra Kashinath Tambe.
   Age 63 years, Occu. Service.
   R/o. Shalu Galli, Bhoom, Tq. Bhoom, Dist. Osmanabad.
5. Shivaji Bhaurao More.
   Age 66 years, Occu. Service.
   R/o. At Post Talmod, Tq. Omerga, Dist. Osmanabad.
7. Sanjay Hariram Agrawal.
   Age 49 years, Occu. Service.
   R/o. 7 Harisabha Street Khedarpur, Calcutta-23.
   At present r/o. 702 Kusum Apartment, 7th floor,
   Sector No.70, Washi, Navi Mumbai.
8. Subodh Chand Dayal Bhandari.
   Age 49 years, Occu. Service.
   R/o. 703, Govind Complex, Sector No.14, Washi,
   Navi Mumbai.
9. Nandkishor Shankarlal Trivedi.
   Age years, Occu. Service.
   R/o. Vile Parle, Mumbai.

10. Sunil Chatrapal Kedar.

Age 53 years, Occu. Service.

R/o. Nagpur.

as follows -

1. That you accused along with deceased accused No.1 Bhupalsing @ Pawan Santajirao Rajenimbalkar, Chairman, Osmanabad District Central Co-operative Bank Ltd. Osmanabad, accused No.2 Arun Jivanrao Deshpande and No.6 Babu Nivrutti Thorat, Main Officers of said Bank, on or about 29/1/2002 at Osmanabad and Mumbai had agreed to do or cause to be done an illegal acts, namely, criminal breach of trust, making false documents, using them as genuine documents and ultimately to cheat the O.D.C.C.Bank for Rs. 30 crores and besides the above agreement, did acts i.e. committed criminal breach of trust, cheated said Bank in pursuance of such agreement etc. and thereby committed offence punishable u/s. 120B of Indian Penal Code.

2. That you accused Nos. 3 to 5 and deceased accused Nos. 1, 2 and 6 on or about 1/2/2002 at Osmanabad, being officers of O.D.C.C.Bank and in the way of business as bankers, were having dominion over Rs. 30 crores received from Nagupur District Central Co-operative Bank Ltd., Nagpur as a deposit, in furtherance of your common intention, committed criminal breach of trust in respect of said 30 crores and thereby committed offence punishable under section 409 r/w. 34 I.P.C.

3. That you accused Nos. 7 to 10 on or about 1/2/2002 at Osmanabad and Mumbai, in furtherance of your common intention, cheated Osmanabad District Central Co-operative Bank Ltd. Osmanabad, by fraudulently and/or dishonestly inducing deceased accused No.1 who was Chairman of said Bank and its officers to deliver Rs. 30 crores to you accused Nos. 7 to 9 and which was the property of said Bank and thereby committed an offence punishable under section 420 r/w. 34 IPC .

4. That you accused Nos. 7 to 9 being Directors or office bearers of Home Trade Ltd. Washi, New Mumbai, a company unauthorizedly dealing with Government Securities, on or about 1/2/2002 at Mumbai, being entrusted with 30 crores by Osmanabad District Central Co-operative Bank Ltd. Osmanabad for purchasing Government Securities, in furtherance of your common intention and in furtherance of common intention with accused No.10, committed criminal breach of trust in respect of said Rs. 30 crores and you accused Nos. 7 to 9 thereby committed an offence punishable under section 406 r/w. 34 IPC.

5. That you accused Nos. 7 to 9 during the period from February to May 2002 at Mumbai, in furtherance of your common intention, forged certain documents, viz, contract notes in respect of Government Securities, namely, Bihar SDL 2110, Sikkim 2090, Nagaland 2007, M.P. SDL 2007 and M.P. SDL, total worth Rs. 29,99,34,591/- intending that they shall be used for the purpose of cheating Osmanabad District Central Co-operative Bank Ltd. Osmanabad and thereby committed an offence punishable under section 468 r/w. 34 IPC.

6. That you accused Nos. 7 to 9 during the period from February to May 2002 at Osmanabad and Mumbai, in furtherance of your common intention, fraudulently and/or dishonestly used as genuine the aforesaid *contract notes which you knew or had reason to believe, at the time you used it,* to be forged documents and thereby committed an offence punishable under section 465 and 471 r/w. 34 IPC.

7. That you accused Nos. 3 to 5 and deceased accused Nos. 1, 2 and 6 after two meetings of Board of Directors of Osmanabad District Central Co-operative Bank Ltd. Osmanabad held on 8/2/2002 and 11/3/2002 respectively at Osmanabad, in furtherance of your common intention, forged certain documents, viz, Proceeding Register of said meetings showing discussion and

passing of resolution on the subject of purchase of Government Securities through Home Trade and approval to that purchase when, in fact, no such discussion was held nor passed any such resolution, and said forged documents was with an intention that they shall be used for the purpose of cheating and thereby committed an offence punishable under section 468 r/w. 34 IPC.

8. That you accused Nos. 3 to 5 and deceased accused Nos. 1, 2 and 6 after above meetings dated 8/2/2002 and 11/3/2002 at Osmanabad, in furtherance of your common intention, fraudulently and/or dishonestly used as genuine the aforesaid Proceeding Register of said two meetings which you knew or had reason to believe, at the time you used it, to be forged document and thereby committed an offence punishable under section 465 and 471 r/w. 34 IPC.

The prosecution wants to prove the guilt of the accused by filing the list of witnesses and this is the case of direct evidence. Therefore the above charge may kindly be framed against the accused persons.

Date :-

(V.S.Kulkarni)
Assistant Public Prosecutor,
Osmanabad.