

In view of order dt. 6/5/2014 below Exh. 1 the following charge is framed,

CHARGE

1. C.P.Gaddam. Chief Judicial Magistrate, Osmanabad hereby charge you accused.

3. Vinayak Digambar Malvade.
Age 67 years, Occu. Retired.
R/o. Saraswati Niwas, Patel Chowk, Teli Galli, Latur.
4. Harischandra Kashinath Tambe.
Age 63 years, Occu. Service.
R/o. Veer Sawarkar Chowk, Shalu Galli, Bhoom, Tq.
Bhoom, Dist. Osmanabad.
5. Shivaji Bhaurao More.
Age 67 years, Occu. Service.
R/o. At Post Talmod, Tq. Omerga, Dist. Osmanabad.
At present resident of B/22, "Swapnakunj", Rajiv Gandhi
Nagar, Osmanabad.
7. Sanjay Hauram Agarwal.
Age 48 years, Occu. Business.
R/o. 7 Harisabha Street, Khedarpur, Calcutta-23.
8. Subodh Chand Dayal Bhandari.
Age 48 years, Occu. Chartered Accountant.
R/o. Flat No.402, Aprodite Co-op- Society, Devnar village
road, Chembur, Mumbai 400 088. (within Govandi Police
Station).
9. Nandkishor Shankarlal Trivedi.
Age 46 years, Occu. Advocate.
R/o. 3-A, Pushpam, 6 Khandubhai Desai Road, Vile Parle,
(West), Mumbai, 56. (within Juhu Police Station)

HTL A-9
406 r/w 34

113/11

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

committed criminal breach of trust in respect of said Rs. 30 crores and thereby committed an offence punishable under section 406 r/w. 34 IPC and within my cognizance.

A-9
468 r/w
34 IPC

4. 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 and within my cognizance.

A-9
S. 471 r/w
34

5. 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 when you used it, to be forged documents and thereby committed an offence punishable under section 471 r/w. 34 IPC and within my cognizance.

6. 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 and

Bank Officer

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10. Sunil Chharrapal Kedar.
Age 53 years, Occu. Service.
R/o. Nagpur.

as follows -

1. That you accused above named along with deceased accused No.1 Bhupalsing @ Pawan Santajirao Rajenimbalkar, Chairman, Osmanabad District Central Co-operative Bank Ltd. Osmanabad, deceased accused No.2 Arun Jivanrao Deshpande and deceased accused 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 said 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 and within my cognizance.

120-B

against all 8-9

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 Nagpur District Central Co-operative Bank Ltd., Nagpur as a deposit, in furtherance of common intention of you accused Nos. 1 to 6, 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. and within my cognizance.

409 r/w 34
against
Bankers

3. 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.

within my cognizance.

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7. 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 when you used it, to be forged document and thereby committed an offence punishable under section 471 r/w. 34 IPC and within my cognizance.

8. That you accused Nos. 3 to 5 and 7 to 10 on or about 1/2/2002 along with deceased accused Nos. 1, 2 and 6 at Osmanabad and/or Mumbai, in furtherance of common intention of you all accused including deceased accused, defrauded and cheated Osmanabad District Central Co-operative Bank Ltd. Osmanabad, by fraudulently and/or dishonestly inducing the said bank to deliver 30 crores belonging to that bank and thereby committed an offence punishable under section 420 r/w. 34 IPC and within my cognizance.

And I hereby direct that you be tried by this court on the said charge.

Date:- 8/5/2014.

(C.P.Gaddam),
Chief Judicial Magistrate,
Osmanabad.

A-9
420 r/w 34