IN THE COURT OF THE IV ADDL. CHIEF JUDICIAL MAGISTRATE, AT BENGALURU.

Dated this the 24th day of January 2026

Present:-

Sri.SOMANATHA, B.A. (Law), L.L.B.,
IV Addl. Chief Judicial Magistrate,
Bengaluru.

CC NO.16619/2019

Complainant	State by Girinagara Police Station,

V/s

Accused-2	Sri. M.G. Suresh, Chief Executive Officer, The National Co-Operative Bank Limited, No.73/1, Gandhi Bazaar Main Road, Bengaluru.

ORDERS ON DISCHARGE APPLICATION

Accused No.2 filed instant application seeking an order for discharge from the case on the ground that he was a Deputy General Manager of National Co-operative Bank, Banashankari 3rd Stage, Bengaluru at the relevant point of time of incident, he became Chief Executive Officer of bank on 13.12.2017, the transaction in question entirely under the control of the then Branch Manager-accused No.3, accused No.3 is no more, National Co-operative Bank amalgamated with Cosmos Co-operative Bank Ltd with the effect from 06.01.2025, no documents have been produced to demonstrate his direct involvement, knowledge or approval of the transactions.

2. Despite giving sufficient opportunity the complainant not turned up to file objection opposing the discharge application and therefore, objection to discharge application on complainant side taken as not filed.

3. Heard arguments and perused the records.

4. The following point is arise for consideration:

Whether the accused No.2 has made out that charge is groundless?

5. The above point is answered in the **Negative** for the following:

REASONS

6. Case of the complainant is that he sold a plot at Electronic City for a sale consideration of Rs.21,60,000/- to a purchaser in the year 2015, sale consideration amount received, cheque was presented to his SB Account bearing No.6389 maintained in National Co-operative Bank Ltd, accused No.1 to 3 transferred an amount of Rs.20,85,000/- without any intimation to the complainant to the bank account of the accused No.4, when complainant updated the pass book he came to know the illegal transaction done by accused No.3 in December 2016. An amount of Rs.5 Lakhs was transferred on 20.08.2015, an amount of Rs.6 Lakhs was transferred on 22.09.2015, an amount of Rs.3,50,000/- was transferred on 29.09.2015 and an amount of Rs.1,35,000/- was transferred on 15.12.2015. He lodged complaint to the Chairman of bank, accused No.2 to 4 hand in glow with each other committed fraud on complainant, no action has been initiated by accused No.1-National Co-

operative bank Ltd against accused No.2 to 4, according to banking rules bank shall not disclose deposits or transfer amount to the third parties without submitting document pertaining to it.

7. It is stated by the complainant in his sworn statement that he had deposited an amount of Rs.21 Lakhs in the National Co-operative Bank by selling his site, accused persons withdrawn an amount of Rs.20,85,000/- on 5 times without giving any kind of information, when complainant had given notice regarding financial fraud the Branch Manager has not taken any action, he lodged complaint before the Chairman of the Bank, Chairman of the bank has not taken any action against the accused persons.

8. It is found in the copy of the bank statement of complainant that an amount of Rs.21,60,000/- credited to the bank account of the complainant on 27.05.2015. The complainant communicated to the Branch manager of the bank regarding the fraudulent debit of amount from his bank account vide letter dated 16.12.2016. Thereafter, complainant issued a letter to the Chairman of National Co-operative Bank Ltd complaining inaction of the Branch Manager to set right his bank account. A reply addressed to the complainant by In-charge Chief Executive of National Co-operative Bank Ltd-M.G.Suresh-accused No.2 would show that Branch Manager had acted in good faith, bonafide reasons in rectifying anomalies noticed in his account and requested to bear with them, alleged unauthorized debit have been reversed and credited back to his account on 21.10.2015 a sum of Rs.5 Lakhs, on 24.11.2015 a sum of Rs.10 Lakhs and on 16.12.2016 a sum of Rs.6,35,725/-

and they are initiating remedial action against the Branch Manager concerned. Complainant caused a legal notice to the accused persons on 13.01.2018. There is a specific allegation in the legal notice that delayed reply issued by bank establishes bank involved with accused No.4.

9. Complaint allegation is that accused No.1 to 3 transferred an amount of Rs.20,85,000/- without any intimation to the complainant to the bank account of the accused No.4. Sworn statement would show that accused persons withdrawn an amount of Rs.20,85,000/- on 5 times without giving any kind of information. A combined reading of the complaint plus sworn statement there are prima-facie material to hold that accused No.2 involved in the commission of the offence. The accused persons withdrawn the amount from the bank account of the complainant, when complainant learnt about incident he had intimate the same Branch Manager but he has not taken any action to re-credit the amount to the bank account of the complainant. Upon complaining incident to the Chairman, the accused No.2 replied that amount re-credited to the bank account of the complainant. Even the legal notice issued by the complainant to the accused persons suggests that accused No.2 has taken the offence very lightly and vague answer was given that accused No.4 has deposited the amount and reply issued by him clearly establish that bank involved with accused No.4.

10. As such, defense of the accused No.2 that accused No.3 solely responsible for the routine transactions of the bank and he is nothing to do in the bank transaction cannot be now treated as good ground for discharge the accused No.2 from the case. Once the offence had occurred the accused persons cannot be discharged on the ground that amount re-credited to the bank account of the complainant. Documentary proof i.e., delayed letter correspondence made by the accused No.2 with the complainant regarding re-crediting the amount to the bank account do strengthen that there are prima-facie material to frame the charges against the accused No.2. Amalgamation of National Co-operative Bank amalgamated with Cosmos Co-operative Bank Ltd and change of position of the accused No.2 in the bank will not in any way hindrance to the complaint case because he had issued reply as a Chief Executive of National Co-operative Bank Ltd. Full pledged trial is required to come to the conclusion that whether the accused No.2 has committed offence or not. So, the accused No.2 is failed to demonstrate that charges are groundless. Therefore, the afore-mentioned Point is answered in the **Negative** and I pass the following:

O R D E R

An application filed by the accused No.2 under Section 239 of Cr. P.C., is rejected.

(Dictated to the Stenographer directly on the computer, typed by him, corrected by me and then pronounced by me in the open Court on this the 24th day of January 2026)

(SOMANATHA)
IV Addl. Chief Judicial Magistrate,
Bengaluru.