


<u>CNR NO.MHLA070006192024</u> 	Received on	:	19.09.2024
	Registered on	:	19.09.2024
	Decided on	:	25.03.2026
	Duration	:	01 Y 06 M 06 D

IN THE COURT OF ADDL. SESSIONS JUDGE, UDGIR,

DISTRICT – LATUR

(Presided over by : D.B.Mhalatkar)

Criminal Revision Application No.21/2024

Exhibit No.16

	Manjur Ahmed Bashir Ahmed Qureshi Age : 40 Yrs. Occ. Business, R/o.Aazad Nagar, Jalkot Road, Opposite Khadri Function Hall, Udgir, District Latur		Revision Petitioner
	<u>VERSUS</u>		
1)	The Branch Manager, Shri.Renuka Mata Multistate Co-op. Urban Credit Society, Udgir Branch, Near City Police Station, A/P Nideban Road, Udgir, District Latur	:	
2)	Prashant Bhalerao, Chairman Shri.Renuka Mata Multistate Co-op. Urban Credit Society, Renuka Bhavan, Behind Pushpak Hotel Pipeline Road, Savedi Ahmednagar 414003.	:	
3)	The Chief Executive Officer, Harishchandra Ambadas More Shri.Renuka Mata Multistate Co-op. Urban Credit Society, Renuka Bhavan, Behind Pushpak Hotel Pipeline Road, Savedi Ahmednagar 414003.	:	<u>..Respondents</u>

Revision U/Sec.438 Bhartiya Nagarik Suraksha Sanhita.

For Revision Petitioner	Shri.D.R.Dad and Shri.S.P.Mane Advocates
For respondents	Shri.V.A.Dixit, Advocate.

J U D G M E N T

(Delivered on this 25th day of March 2026)

The revision petitioner/original complainant filed this revision U/Sec.438 Bhartiya Nagarik Suraksha Sanhita against the order passed by the 3rd Joint Judicial Magistrate, First Class, Udgir in Criminal MA No.419/2022 dated 17.08.2024, wherein he rejected the complaint filed by the revision petitioner under S.203 of the Code of Criminal Procedure ,1973(Cr.P.C.)

Brief facts, which lead to filing of this petition are as follows :

2) Petitioner, hereinafter referred to as the original complainant, filed an application bearing Criminal MA No.419/2022 for registration of a crime and investigation under Section 156(3) of the Cr.P.C. against respondents No.1 to 3 for the commission of offences punishable under Sections 409, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code. He claimed that in June 2022, he received a notice from the Income Tax Department, Latur, dated 21.03.2022, under Section 142(1) of the Income Tax Act, to pay Rs.2,92,78,541/- related to transactions pertaining to the assessment year 2013-14. It was disclosed that there were cash transactions in the complainant's savings bank account at the Udgir branch of Shri Renuka Mata Multistate Co-operative Urban Credit Society. He obtained

account statements for the period from 01.04.2012 to 31.03.2017 and found 52 fraudulent cash deposit entries from 06.11.2012 to 13.02.2013 totalling Rs.2,33,52,733/-. The complainant was not provided with details of these transactions. He claimed that he had never deposited or withdrawn any amount from his bank account. He issued letters dated 01.07.2022 and 16.07.2022 but was not provided with the vouchers and was instead told to visit the Ahmednagar Head Office. Consequently, the complainant issued a notice dated 04.08.2022 to the respondents and thereafter lodged a complaint with the Udgir police station, and also sent a letter to the Superintendent of Police, Latur, via RPAD on 11.08.2022. The respondents gave a false reply. Hence, the complainant prayed for an investigation through the police under Section 156(3) of the Cr.p.c. He filed an affidavit in support of his claim.

3) The learned trial court on 22.12.2023 rejected the prayer for investigation under Section 156(3) of Cr.P.C. and directed the complainant to lead evidence. Subsequently, the complainant examined himself under Section 200 of Cr.p.c. He also examined Pravin Anilrao Petkar, into whose account Rs.45,04,500/- was transferred from the complainant's account. In this matter, the accused produced records of the police investigation based on the application filed by the complainant. After recording evidence under Section 200 of Cr.P.C., the learned trial court found that no offence was made out against the accused persons and dismissed the complaint under Section 203 of Cr.P.C.

4) Being aggrieved by this order dated 17.08.2024, the complainant filed this revision petition. He claimed that the learned trial court did not wait for the decision of criminal revision petition No. 3/2024 and passed an illegal order. The complaint was not provided with the passbook, and he came to know about the entries only after receiving a notice from income

tax authorities. There is prima facie evidence against the accused. The fraudulent entries were made by the office bearers of the said bank. The statement of Pravin Petkar was completely ignored by the learned trial court. All accused are responsible for the fraud committed by the bank. The bank has not provided the account statement to the complainant, which raises an adverse inference. Accused No.1 is the branch manager, and accused Nos. 2 and 3 are controllers of the bank. They benefited from the fraudulent transactions. Vouchers have not been provided to the complainant. Without vouchers on record, it cannot be said that the entries are genuine. The learned trial court overlooked the income tax notice involving a large amount. The complainant is a small businessman. The learned Magistrate did not consider the various citations relied upon by the complainant. The Magistrate also overlooked the gravity of the matter and the transfer of a huge amount, which is unlikely considering the economic condition of the complainant. Therefore, he prayed that the revision petition be allowed and that process be issued against the accused persons or that police authorities be directed to conduct an investigation.

5) After hearing both sides, the following points arise for my determination and I have answered them accordingly with reasons as follows:-

Sr. No	<u>POINTS</u>		<u>FINDINGS</u>
1)	Whether the order passed by the learned trial court is correct, legal and proper ?	:	Yes
2)	Whether interference is required in the order of the learned trial court?	:	No
3)	What order ?	:	As per final order

REASONS

6) It is argued on behalf of the revision petitioner that a transaction of Rs. 2, 33, 52, 2,33,52,773/- occurred within the period from 06. 12. 06.12.2012 to 13. 02. 13.02.2013. The revision petitioner is a labourer and has no means to deposit such a large amount. He alleges a conspiracy by the respondents. He filed written notes of argument. It is claimed that no action was taken by the Superintendent of Police on the complaint of the complainant. The learned trial court should not have passed an order before the decision in Criminal Revision Application No. 3/2024. There is no delay on the part of the complainant, who became aware only after receiving a notice from the income tax department in June 2022. The fraudulent entries were made with the active participation of the Chairman and the Chief Executive Officer of Shri Renukamata Multistate Co- operative Urban Credit Society. The amount was credited to several other persons whose details are not available. Investigation is necessary for this. The amount was credited to the account of the complainant and transferred to various accounts behind his back. Pravin Pethkar stated that Rs. 45, 04, 45,04,500/- was transferred from the account of the complainant Manjur Khureshi, and the amount was withdrawn by Rakesh Nidane, in whose cloth shop he was working. This shows the involvement of multiple persons. The learned Magistrate failed to mention his evidence. Prima facie, Sections 406 and 409 of the IPC, along with Sections 467, 468, and 471, are applicable. The complainant is a small businessman and is innocent. Manipulated entries were made in his account. After 14 dates and nearly a year, an order was passed, which indicates the casual approach of the Magistrate. There is prima facie evidence of money laundering transactions. When issuing the process, the learned Magistrate must consider whether there are sufficient grounds for proceeding against the accused, not

whether there is sufficient ground for conviction. In this case, several cash transactions from the complainant's account and transfers to various persons occurred. Until the beneficiaries appear before the court, a final conclusion can not be reached. The court should have been more lenient while handling private criminal complaints to ensure access to justice. Hence, he prays that the revision petition be allowed.

7) On the contrary, it is argued for the respondent that the police investigation has already been completed under Section 202 of the Cr.P.C., and no material evidence was gathered against the respondents. To evade liability for income tax and prosecution, the revision petitioner filed a false complaint. Respondents are willing to provide the documents to the complainant, which are available at their headquarters. They supported the order of the learned trial court and prayed for the rejection of the revision petition.

As to point Nos. 1 and 2 :-

8) The complainant alleged that he received notice from the Income Tax Department in June 2022 regarding transactions that took place in his account maintained by Renukamata Multistate Co-operative Urban Credit Society, Udgir, during the financial year 2012-13. The notice directed him to pay a tax of Rs.2,92,78,541/-. Subsequently, he filed a complaint on 11.08.2022 before the Superintendent of Police, Latur, by sending the written complaint via RPAD. As the police did not take cognizance, he filed the present Criminal MA No.419/2022. His request for investigation under Section 156(3) of Cr.P.C. was rejected. He examined himself and also examined Pravin Anilrao Pethkar.

9) The complainant asserts that the police have not taken any action regarding his complaint. However, the case

record shows that based on the complaint dated 10.08.2022, the Superintendent of Police referred the matter for investigation to Udgir City police station. Accordingly, API B.S. Gaikwad conducted the inquiry, recorded the complainant's statement, and obtained records from the Branch Manager of Renukamata Multistate Co-operative Urban Credit Society, Udgir branch, concerning transactions in the 2012-13 financial year. He found that the complainant opened his account there on 06.08.2012. Multiple transactions involving large sums were recorded in his account. Between 06.11.2012 and 13.02.2013, Rs.2,33,52,733/- was deposited into the account. Subsequently, this amount was transferred to various accounts based on bank vouchers. API Gaikwad noted that the signatures on these vouchers matched the complainant's. He also reported that the complainant concealed material facts from this account when filing income tax returns for 2013-14 and 2014-15. The inquiry revealed that Renukamata Multistate Co-operative Urban Credit Society communicated with the income tax department via email dated 14.10.2019 regarding these transactions. Statements were recorded from branch manager Nanasaheb More, bank clerk Devidas More, cashier Bhavesh Mehata, and Hanumant Supekar and Dinesh Takle. Nanasaheb More stated that the complainant frequently visited the bank to deposit cash and transfer funds to other accounts, opening a special savings account on 06.11.2012. He confirmed that the complainant's signatures appeared on deposit and withdrawal slips, a statement similarly supported by Devidas More, Bhavesh Mehata, Hanumant Supekar, and Dinesh Takle.

10) API Gaikwad also recorded statements from two account holders of the said Bank, namely Hanumant Namdeo Shinde and Nilesh Hippalge. They stated that the Bank does not conduct any business or transactions without a passbook. Bank employees assist customers in filling out withdrawal slips, but they only take the customer's signature.

11) The inquiry officer opined that the signatures on the vouchers belong to the complainant. He concealed material facts while submitting the income tax return. The bank advised the complainant to verify the vouchers by visiting the head office. He also found that the complainant not only transacted with the bank between 06.11.2012 and 13.02.2013 but also continued transactions up to 28.07.2017. Accordingly, he submitted a report to dispose of the complaint. The report dated 03.02.2023 was forwarded to the Superintendent of Police for further action.

12) The complainant stated on oath that the police had not taken any action, but this report of API Gaikwad shows that the police not only recorded the complainant's statement but also recorded statements of bank employees and bank customers. The report was forwarded by API Gaikwad on 03.02.2023. Therefore, prior to 03.02.2023, the complainant was aware of the police inquiry and had recorded his statement before the police on 14.09.2022. Despite this, he suppressed this material fact from the court while giving a statement under Section 200 of Cr.P.C. No explanation was provided by the complainant in this regard.

13) The alleged fraudulent transactions occurred between 06.11.2012 and 13.02.2013. It is relevant to note that the complainant opened his bank account on 06.08.2012. In his complaint, the complainant stated that he transacted with the bank amounts ranging from Rs. 1,50,000 to 2,00,000 within a period of 8 to 15 months, and he deals in the business of buying and selling animals. Upon reviewing the account statement, it is quite clear that the amount is withdrawn on the same day it was deposited. Additionally, the complainant has not furnished the complete extract of his account.

14) The complainant only provided a vague statement regarding this matter. Evidence from Pravin Anilrao Pethkar indicates that he permitted his employer to use his account as a mule account for transferring funds. The complainant has not included the said Rakesh Vidhane as a co-accused in this case. His statement is only relevant to the fact that his account was used by his employer to transfer the funds. This demonstrates that the complainant's account was used as a mule account to transfer money owned by someone else. The complainant does not claim that a third person, with his consent, used his bank account for large transfers, thereby making him an accused. He alleges that the bank used his account to transfer money to unknown accounts as part of a money laundering scheme. If he had claimed that a known person used his account with his consent to transfer funds to other accounts for that person's benefit, and that he was involved in money laundering, the case might have been viewed differently. Instead, the complainant attempted to shield himself by allowing his account to be used as a mule. Therefore, he cannot file a complaint against the bank for the account transfers. He should have filed a complaint against the person he authorised to use his account.

15) This is a clear case of money laundering. Although the complaint made by the complainant is only against the bank officers, the investigation officer or inquiry officer should have conducted an inquiry into the money laundering transactions instead of focusing solely on the role of the bank. If he had conducted a thorough investigation, the complainant and other persons might have been accused of money laundering, and this aspect was overlooked by the inquiry officer API Gaikwad and S.P., Latur, while accepting the report. However, this point is not before me. Therefore, I refrain from making any further comments. It is for the Superintendent of Police, Latur, to take appropriate action if necessary.

16) The complainant has not requested the issuance of a summons or search warrant to produce the vouchers and original record of the bank. He has not made any attempt to obtain details of other bank accounts where the disputed amounts were transferred. He chose to remain silent by not seeking those records. There was an opportunity for the complainant to request a search warrant, seizure warrant, or summons to produce all those documents. Despite having the chance, he did not do so.

17) From the complaint and above said observations, it is clear that the complainant's account was used as a mule account, and the complaint was handed in conjunction with unknown persons to allow the use of his bank account. Therefore, there is prima facie no evidence to proceed against the bank officers, including the Chairman and Chief Executive Officer, as prayed by the complainant.

18) The learned trial court has considered all material on record and arrived at the correct conclusion. The learned trial court dismissed the complaint after 8 months of the order rejecting the prayer for police investigation under S.156(3) of Cr.P.C., and there was enough time and opportunity for the revision petitioner to obtain stay of proceedings in another revision petition. Therefore, it was not obligatory for the learned trial court to wait for a decision in the revision petition filed by the complainant in the absence of a stay order. Consequently, there is no illegality, impropriety, or error of jurisdiction in the dismissal of the complaint. I therefore answer point No.1 in the affirmative and point No.2 in the negative, and in response to point No.3, I proceed to pass the following order:-

ORDER

1)	Revision petition is dismissed with costs.
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2)	The order passed by the learned Judicial Magistrate, First Class, Udgir (Court No. 3) in Criminal MA No. 419/2022 dated 17.08.2024 is hereby confirmed.
3)	Record and proceedings be sent to the learned trial court along with a copy of the order.
4)	A copy of the order be sent to the Superintendent of Police, Latur, for information.

(Dictated and Pronounced in Open Court.)

(D.B.Mhalatkar)

Date : 25.03.2026

Additional Sessions Judge, Udgir
