

**Special Case No. 47/2017**  
**CNR No.MHPU01-012385 -2017**

State (CBI) Vs. Ajit Gokhale and others.

**ORDER BELOW EXH.69**

1] This is an application filed by accused No. 1 Ajit Ghokhale under Section 227 of Criminal Procedure Code and thereby requested to discharge him from the offences punishable under section 120 B r.w. section 420, 465, 467 and 471 of Indian Penal Code and under Section 13(2) r.w. 13(1)(d) of Prevention of Corruption Act, 1988.

2] It is the case of prosecution that the accused along with borrowers entered into the agreement / criminal conspiracy and by considering the forged document as a genuine and other irregularities and illegalities and thereby sanctioned the huge amount in favour of borrowers. The act of accused is with dishonest intention to cheat and ultimately they succeeded. Therefore in view of report filed by Mr. Pratap Mohanty, investigation is conducted and chargesheet is filed.

3] It is the contention of accused that he was AGM of Bank of Maharashtra , Branch Nashik he has granted the Cash Credit facilities in favour of borrowers as per rules and regulations and within his sanctioning power. There is no objection in the external and internal Audit conducted by Bank in respect of sanctioning of Cash Credit. The accused has considered the documents as per the

norms. He has not played fraud to anybody. The valuation report was prepared. The bank has recovered the huge amount as a interest from the borrowers. There is no sanctioned for prosecution against accused. There is no material to frame the charge . Therefore, he requested for discharge.

4] SSP filed the say at Exh.92 and submitted that accused knowingly and intentionally committed the offence of cheating by accepting forged document in favour of borrowers for sanctioning Credit facility . The amount sanctioned to M/s. Shravani Associates and diverted to other account. The accused was dismissed from the service at the time of filing of chargesheet and therefore sanction was not required. There is sufficient material to proceed against accused hence application deserves to be rejected.

5] It appears from investigation papers that accused was working as a AGM at Bank of Maharashtra, Pune Branch. During his tenure accused Nitin Kale and others obtained Cash Credit facility from Pune branch. Nitin Kale is a person who again approached to accused No.1 at Nashik when he was working as a Assistant General Manager, Nashik Branch and obtained Cash Credit facility initially in the name of his relatives and thereafter, Shell company namely M/s. Shravani Associates and M/s Ishwari Enterprises.

6] It appears from the complaint that accused has knowingly and intentionally considered the forged Shop Act License as a genuine and in fact the said Shop Act License was not issued by the Labour Department. But it was prepared by the borrowers itself.

7] It appears from the investigation papers that valuation report of the property was apparently shown valuation in the exorbitant manner. However, accused no.1 has relied on such document without making any further inquiry. Accused no.1 being AGM should have given visit to M/s. Shravani Associates and M/s Ishwari Enterprises, but he has not given pre-sanction visit to firm and sanctioned Cash Credit facility. It appears from complaint and statement of witnesses that company of accused persons are merely floated on paper and not actually working. It is not in dispute the accused was dismissed from the service at the time of filing charge-sheet. Accordingly, cognizance is taken. In this circumstances, no sanction is required to prosecute the accused. Thus, prima facie from the statement of complainant and witnesses it appears there is sufficient material to frame charge against accused. Therefore, I do not find any substance in this application. In the result, I pass following order -

**ORDER**

Application is rejected.

(Pralhad C.Bhagure)  
Special Judge (CBI-ACB cases), Pune.

Date – 19/10/2018

I affirm that the contents of this PDF file order are same word for word as per original order

Name of Steno : Smt. U. S. More (G-II)  
Court Name: : Shri.Pralhad C.Bhagure  
Special Judge CBI, ACB, Pune.  
Order signed by PO : 19/10/2018  
Date of PDF : 25/10/2018  
Order uploaded on : 25/10/2018

