

Order below Exh.1 in O.M.C.C. no. 139 of 2022

The complainant has filed the present complaint to prosecute the accused for the offences punishable under Section 420, 465 and 500 read with 34 of the Indian Penal Code.

2] The complainant contended that he is working as a Laboratory Assistant from the year 1998 in Vasantao Naik Ashram School. Since he was in need of money he approached the accused no.1 i.e. the Manager of Akola District Central Co-operative Bank and the accused no.2 i.e. the Chairman of Akola District Central Co-operative Bank for a loan of Rs.2,80,000/-. The accused promised the complainant to deposit the said amount of Rs.2,80,000/- in account no.611575 and the loan amount was to be repaid before the year 2020. The complainant has regularly repaid the loan by way of installments. Even then the accused no.1 and 2 closed his account. The complainant procured the bank statement and he has repaid an amount of Rs.5,15,746/- and it is also apparent in the statement. The complainant has no dues till now to be paid to the accused. The accused prepared false documents and showed an amount of Rs.2,60,000/- outstanding from the complainant. The complainant has given a cheque on 29.12.2021 of the said amount to the accused. Even when the account of the complainant was closed the accused deposited the said cheque in that account. Nothing has been written by the complainant on the said cheque. The complainant had given two blank cheques to the accused. The accused have deceived the complainant. Hence the complainant sent a notice to the accused on 10.01.2022 through advocate. The accused have filed a false complaint of cheque bounce against the complainant and it is still pending. The accused have filed false cheque bounce complaint against the complainant. The complainant also approached at Manora Police Station and Superintendent of

Police, Washim but they did not took any action against the accused. Hence prayed to issue process against the accused.

3] The complainant examined himself and deposed that, on 05.01.2013 he took a loan of Rs.2,80,000/- and repaid an amount of Rs.5,16,000/- and his account was closed in the year 2015 and in the year 2021 the accused deposited the cheque given by him in that account and the accused filed a complaint under Section 138 of the Negotiable Instrument Act against him and has thus cheated him.

4] The complaint has filed a criminal complaint against the accused no.1 i.e. the Manager of Akola District Central Co-operative Bank and the accused no.2 i.e. the Chairman of Akola District Central Co-Operative Bank who are the Co-Operative bank employes who are legally deemed public servant and the act alleged by the complainant was performed by the accused in their official duty. If any alleged offence is committed while the accused are discharging official duties, prior sanction is mandatory which is not taken by the complainant. In the present facts and circumstances of the case, there is otherwise also no sufficient ground for proceeding against the accused and the complaint deserves dismissed.

Accordingly, the following order is passed :

Order

The complaint is dismissed.

Manora  
Date : 09.06.2026

(J. T. Koregaonkar)  
Judicial Magistrate (F.C.),Manora

## Certificate

I affirmed that, the contents of this PDF file judgment are same word to word as per original judgment.

Name of Stenographer	:	Smt. R. K. Chavhan (Grade-III)
Court Name	:	(Shri. J. T. Koregaonkar) C.J.J.D. & J.M.F.C., Manora.
Judgment signed by P.O.	:	09/06/2026
Judgment uploaded on	:	09/06/2026