B.K. Kalra Vs. the State

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Court : Delhi

Decided On : May-21-1999

Reported in : 1999(50)DRJ331

Judge : S.N. Kapoor, J.

Acts : Code of Criminal Procedure (CrPC) , 1973 - Sections 439

Appeal No. : Crl. M(M) 1903/98

Appellant : B.K. Kalra

Respondent : The State

Advocate for Def. : Seema Gulati, Adv.

Advocate for Pet/Ap. : Anil Kumar, Adv

Disposition : Petition dismissed

Judgement :

S.N. Kapoor, J.

1. According to the prosecution case, a big fraud in Punjab National Bank at Branch Office Rani Bagh, Delhi, was detected on 6th March 1998. Mr. B.K. Kalra, Special Assistant in the bank is said to be the central figure, other involved are three other bank employees and eight customers.

2. It is alleged that the petitioner, Mr. B.K. Kalra, Special Assistant of the bank forged the fake credit vouchers and authorised the same for crediting in certain accounts of the customers without any genuine credit. He made up the deficiencies caused by these false and fraudulent transactions by adopting the accounts from the imprest account of the bank. He, along with three other bank officials and the account holders, destroyed the cheques drawn on certain accounts at Branch Officer, Rani Bagh, Delhi which had come from other branches for clearing after debiting the cheques to the imprest account of the bank thereby not affecting the debits to the accounts with respect to which the cheques were issued. He authorised fake credits to certain accounts by debiting inland bills purchased fictitiously without having been supported by any genuine bills and cheques. He further adjusted the debit made in the imprest account by authorising fake credits to the imprest account by debiting head office account of erstwhile New Bank of India which had merged with the PNB and upon having frozen account and could not be operated without specific credit authority from Head Office of the Bank in writing. Nagesh Kumar Nagpal and Indu Nagpal, on introduction by the applicant opened Savings Bank account No. 19218 and 19607 and these accounts were credited on various dates with the amount of Rs. 19,38,800 between 4th April 1997 to 31st October 1997 and between 30th July 1997 to 25th October 1997 by preparing fake vouchers of Rs. 23,90,800 and debited the clearing imprest and ODD accounts. There are several other allegations also of making similar transfers. It is alleged that so far as the clearance credit vouchers regarding fake credits in various accounts and in the sum of Rs. 2,01,18,158 have been taken in police possession. Likewise, the fake documents relating to clearing payments and transfers in the sum of Rs. 1,73,00,000/- have been taken in police possession. It is alleged that he is instrumental in siphoning off in all nearly 4.07 crores of the bank along with others.

3. On investigation so far, total amount found involved in the fraudulent transactions is approximately Rs. 4.07 crores. Mr. B.K. Kalra was posted as Special Assistant in the Branch from 1st August 1992 to 6th March 1998 and most of the time he was In-charge of the clearing section. It is alleged that Shri B.K. Kalra got opened 24 accounts for siphoning off this amount. He also debited Clearing Imprest account fraudulently on different dates to provide fake credits in

the accounts of his relatives and friends. His modus operandi in brief was that 97 entries were got made relating to cheques worth Rs. 216.94 lakhs purporting to have been sent in clearing entry in the clearing register were not sent for clearance. Similarly, 31 cheques of the value of Rs. 69.05 lakhs were noted in returning register as received but the relevant cheques did not reach clearing centre. Twelve entires were made relating to cheques worth Rs. 20.72 crores received in inward clearing but treated as listed but not received. Eighteen entries worth Rs. 48.30 lakhs received in inward clearing but treated as not received resultantly less credit given to the imprest clearing by the amount of deliberately displaced/destroyed cheques. Ten entries were made relating to pay orders or drafts worth Rs. 13.90 lakhs to the debit of clearing imprest account head. Twenty five entries have been made relating to unauthorised debts to ODD and provided credits to current accounts/SF accounts worth Rs. 27.13 lakhs. Three entries were made relating to fake ODD worth Rs. 1.25 lakhs as outstanding on 6th March 1998. Four entries relating to unauthorised debits to suspense clearing outstanding were made amounting to Rs. 6.57 lakhs outstanding as on 6th March 1998. Unauthorised debit to suspense CDPC worth Rs. 5.25 lakhs have been made. Thus in all, 208 lake entries were made involving an amount of Rs. 409.12 lakhs. An amount of Rs. 2 lakhs was lying in the accounts involved in the fraudulent transactions. Thus, the total amount of fraud comes to Rs. 4.07 crores approximately. The fake account was credited as per details given hereunder:

AccountNo.Titleof AccountAmount(Rs.)CA-3002M/sGarima Enterprises9,73,600.00CA-3385M/sNutan Investment23,55,800.00CA-3636M/sNutan Associates18,13,300.00CA-3637M/sMonga Enterprises62,67,295.00CA-3798M/sRohan Securities74,24,037.78CA-3827M/sSugam Investment15,27,000.00CA-3921M/sVaibhav Shares Pvt. Ltd.26,11,367.00SF-14062 JaiGopal Chawla9,98,265.00SF-19099 SudhirKumar Kalra & Ritu Kalra60,000,00SF-19218 NageshKr. Nagpal63,67,152.00SF-19222RPKalra & BK Kalra4,60,000.00SF-19607 NageshKr. Nagpal & Indu Nagpal7,21,000.00SF-19897 DharamPal Monga & Meenakshi Monga3,75,000.00SF-20478 NareshKalra, Parveen Kalra and Ram Saran Dass9,08,648.00SF-20479 MeenakshiMonga, Madhu and DP Monga39,50,375.00SF-20865 NutanGupta1,48,500.00SF-20986

DeepakChawla2,50,000.00SF-21071 JaiVeer Singh3,85,000.00SF-21543OPAneja1,40,000.00SF-21721 SurinderKumar60,000.00SF-21864 RamanChawla & Rama Munjal10,92.735.00SF-21997 KamleshTrehan3,50,000.00SF-23241 ChanderKala Chawla2,43,000.00SF-24590 VinayKr. & Hitesh Kumar40,000.00N.A.PayOrders/Drafts13,90,200.00

4. In order to see a specific instance, on 2nd February 1998 while working as clearing Incharge, Shri B.K. Kalra deposited imprest clearing head with Rs. 10.60 lakhs for which no clearing cheque was sent to 'RCC though he afforded credits as under:

A/cNo.NameAmount(Rs.)3798M/sRohan Securities2,30,000.003921M/sVaibhav Shares Pvt. Ltd.2,00,000.003921M/sVaibhav Shares Pvt. Ltd.2,00,000.003921-do-2,30,000.003921-do-2,00,000.00 10,60,000.00

5. There are certain other specific allegations against B.K. Kalra indicating that he got the bank accounts opened in the name of his friends and relations and continuously transferred amounts fraudulently.

6. The learned counsel for the petitioner submits that seeing his duties and responsibilities, the petitioner should not have been made a villain while leaving others. He was earlier released on interim bail on 2nd July 1998. That interim bail has been extended from time to time. It is also contended that he was not the beneficiary for the amount had not been transferred to his account.

7. Having heard the learned counsel for the petitioner on several dates and going through the record, I do not think that any observation should be made at this stage. Seeing that B.K. Kalra is the centre of this drama involving over four crores of rupees and since there does not appear an iota of any justification to justify his actions even for the name sake, I feel that there is neither any reason to extend interim bail nor it appears desirable to grant bail to such a person in view of the enormity of the fraudulent transactions and his pivotal role in this fraud. Accordingly, the petition is dismissed.