

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10515 of 2023

Applicant :- Vikram Bhola

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko And Another

Counsel for Applicant :- Vinod Kumar Pandey, Sandhya Bharti

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing the impugned order dated 24.08.2023 passed by Additional District and Sessions Judge/Special Judge, P.C. Act, Court No.6, Lucknow in Sessions Case No.694 of 2023; State Vs. Vikram Bhola arising out of Case Crime No.61 of 2023 U/S 7 of P.C. Act, P.S. Krishna Nagar, District- Lucknow.
3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in this case on the behest of the complainant of the case in question. She further submitted that the charge sheet was filed by the Investigating Officer in the most mechanical manner on the basis of statement of the members of the trap team of Anti-Corruption Organization as well as the complainant. She further submitted that two persons, namely, Smt. Gita Verma and Raghvendra Yadav, computer operators were present in the office but their statements were not recorded by the Investigating Officer under Section 161 Cr.P.C. She further submitted that the discharge application was moved by the applicant before the trial court but the same was also rejected without considering the submissions of applicant, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that the complainant of the case in question was a retired employee of the Power Corporation and for completing the files related to his pension, the illegal demand was raised by the applicant, thereafter, complaint was made to the Anti-Corruption Organization and after completing all the formalities related to the inquiry, etc, a team was constituted and trap was conducted, in which, applicant was arrested red handed, thereafter, charge-sheet was filed after taking prosecution sanction. He further submitted that trial court has rightly

rejected the discharge application of the applicant as the defence of the applicant cannot be considered at the time of deciding the discharge application, therefore, there is no illegality in the order passed by the trial court and the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the record that the complainant of the case in question was a retired employee of the Power Corporation and complaint about illegal demand was made to the Anti-Corruption Organization and the applicant was arrested red handed, thereafter, charge-sheet was filed, as the defence of applicant cannot be examined at this stage, therefore, I am of the view that there is no illegality in the impugned order passed by the trial court and the application is liable to be rejected.

6. Accordingly, the application is hereby **dismissed**.

Order Date :- 28.10.2023

V. Sinha