

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 143 OF 2015

LAXMIKANT S/O MAHADEO MUSLE
VERSUS
THE STATE OF MAHARASHTRA & ORS

...

Advocate for Petitioner : Mr. Pathan Tahiwarkhan Wajeedkhan (absent)
APP for respondent : Mr. V.D. Godbharle.

CORAM : T.V. NALAVADE & SMT. I.K.JAIN, JJ.
DATE : 17TH APRIL, 2015.

PER COURT:

1] Nobody present for petitioner. Copy of FIR and copy of Panchanama is produced. The Anti Corruption Bureau took action on the basis of the complaint given by one Arvind Rodewadkar. The present applicant is the Assistant Controller, Weights and Measures, Aurangabad and there is allegation against him that he was demanding Rs. 10,000/- from the complainant by giving threat of Departmental action due to some lapses allegedly found in the discharge of duties of the complainant. After receive of the complaint, confirmation panchanama is prepared to ascertain, as to whether there was really demand of money and it revealed that applicant was demanding Rs. 10,000/-. Then trap was led and during the trap, demand was again made and amount of Rs.10,000/- was accepted from the complainant by the present applicant. The post trap panchanama was prepared. Tainted money was recovered from the pocket of pant of the present applicant. Anthracin powder was also detected on his hands and panchanama was prepared accordingly.

2] During search of the office of the accused, cash amount of Rs. 88,000/- was also recovered. The explanation given by the applicant was

not found to be satisfactory and this amount was also taken over.

3] In view of the aforesaid circumstances, present application is filed by the applicant for a relief of quashing of proceeding initiated vide FIR No. II/3095/2014, registered in CIDCO Police Station for the offence punishable under Sections 7, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988.

4] In view of the aforesaid circumstances, this Court holds that no notice needs to be issued to the State and it is not possible to quash and set aside the FIR. In the result, petition stands dismissed.

[SMT. I.K. JAIN]
JUDGE

[T.V. NALAWADE]
JUDGE.

grt/-