

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION NO. 135/2007

Shakur Mohd. s/o Syed Mohd Sheikh ..vs.. The State of Maharashtra

AND

CRIMINAL REVISION NO. 136/2007

Murlidhar Jaikrushna Shrikhandare ..vs.. The State of Maharashtra

AND

CRIMINAL REVISION NO. 138/2007

Badrinath Govindrao Wankhede ..vs.. The State of Maharashtra

AND

CRIMINAL APPLICATION NO.1150/2007

Bhaskar Mahadeorao Nagpure..vs..The State of Maharashtra

AND

CRIMINAL APPLICATION NO.1196/2007

Dilip Gheverchand Mohata and anr..vs.. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr. S. D. Deshpande, Advocate for applicants.
 Mr. S. B. Ahirkar, A.P.P. for non applicant.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 9, 2015.

These applications are directed against the order refusing to grant discharge to the applicants-accused persons in a case pending before the Court under the provisions of the Prevention of Corruption Act.

Heard learned counsel for the parties.
 Perused the impugned order.

From reading of the impugned order, it appears that allegations against the applicants are in relation to the making of registration of sale deed and mutations contrary to law or in ignorance of law, as

the case may be. But then it is a specific case of the prosecution that fraud was done by all these applicants with a view to have unlawful gain for themselves. It is a matter, which cannot be thrashed out by adjudicating the applications for discharge and that is why the Court has rejected the application for discharge.

It clearly appears from the record that the trial will have to be held without which allegations made by the prosecution, whether they are right or wrong, whether they are serious or not, cannot be determined. Because of the stay granted by this court in revision, the trial has been procrastinated. Be that as it may, since all the applicants have already retired from their respective services and the allegations levelled against the applicants are not so serious, I think trial should be directed to be held on day-to-day basis since trial itself is of the year 1999. It is not possible to hold a mini trial here while deciding the application for discharge.

In view of above, following order is passed.

ORDER

(i) Criminal Application Nos.135/2007, 136/2007, 138/2007, 1150/2007 and 1196/2007 are rejected.

(ii) The trial Judge is directed to take up the matters for holding trial and complete the same on day-to-day basis within a period of five months from the date of receipt of this order.

(iii) The applicants shall appear before the trial Judge on 24.07.2015.

JUDGE

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