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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5175 OF 2016

Sambhaji s/o Bhivaji Bhalerao,
Age : 39 years, Occ. Service as
Driver, R/o Sidharath Nagar,
Ahmedpur, Tq. Ahmedpur,
Dist. Latur

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Ms Supriya L. Pansambal, Advocate holding for Mr V.D. Gunale, Advocate
for applicant;
Mr N.T. Bhagat, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st September, 2016

ORAL ORDER :

Heard learned Counsel appearing on behalf of the applicant.

2. The order dated 21st July, 2016, passed by learned Additional Sessions Judge, Ahmedpur, rejecting the prayer of the applicant for discharge under section 227 of the Code of Criminal Procedure, in Special (ACB) Case No.3 of 2015, is questioned herein.

3. The contention of the applicant is that the provisions of section 12 read with section 13 (1) (d) and 13 (2) of the Prevention of Corruption Act are not attracted against the present applicant and he is entitled for discharge as he is working as Driver and no way concerned with the

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transaction in question. According to the learned Counsel, there was no demand and as such, the provisions of Prevention of Corruption Act are not attracted against the applicant.

4. Learned Addl. Public Prosecutor opposed the claim.

5. While considering the claim for discharge, the learned Additional Sessions Judge has observed that though the applicant was working as a Driver, still the bribe amount was recovered from his custody. Even if it is considered that the applicant is a Driver, he owes an explanation, as to how in law, he is entitled to the custody of the bribe amount.

6. In my opinion, the considerations as prevailed before the learned Additional Sessions Judge in rejecting the claim for discharge under section 227 of the Code of Criminal Procedure, appear to be germane to the cause.

7. Learned Additional Sessions Judge has considered entire gamut of the matter. No case for interference is made out. Criminal Application, therefore, fails and stands rejected.

(N.W. SAMBRE, J.)

amj