

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 105 OF 2017

Shri Pradip Laxman Chavan
versus
The State of Maharashtra

....Applicant
.....Respondent

Mr. Rajeshchandra M. Kanojiya, advocate for the applicant.
Mr. N. B. Patil, APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 10th JULY, 2017.

P. C. :

Heard Mr. Kanojiya, learned counsel for the applicant and Mr. Patil, learned APP for the State.

2. The criminal application is filed for quashing the proceedings of ACB Special Case No.8 of 2011. The said case arises out of registration of C.R.No.II-141 of 2010 with Wagle Police Station for the offence punishable under Section 8 of the Prevention of Corruption Act, 1988.

3. The learned counsel for the applicant stated that the applicant is the only accused in the subject FIR/ACB Special Case and since this FIR is not registered against any of the public servant, the proceedings of the special case are not maintainable.

4. Section 8 talks about taking gratification, in order, by corrupt or illegal means, to influence public servant. Under this section, it is not condition precedent that a public servant should be one of the accused. The person who is not a public servant can commit an offence under Section 8 of the Prevention of Corruption Act, 1988 and be prosecuted. In the present case, the applicant was trapped while accepting bribe of Rs.7000/- for providing Food License under Food Safety and Standards Act, 2006.

5. In the light of the above, we are not inclined to entertain the application. The criminal application is without merit and is, accordingly, dismissed.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]