

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1170 OF 2017

Satish Ramdas Pancharas	..Petitioner
Versus	
The State of Maharashtra	..Respondent

Mr. Avinash Bhaskar Avhad, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, J J.**

DATE : 5th OCTOBER, 2017.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing the FIR No.144 of 2017 registered with Shirur Police Station (Pune Gramin) by Anti-Corruption Bureau, Pune, for the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

3. With the help of Mr. Avhad, learned counsel for the petitioner and Mr. Saste, learned APP, we have gone through the allegations made in the FIR. The FIR disclosed that the petitioner who is a public servant demanded an amount of Rs.10,000/- from the complainant to allow him to transport sand. The FIR showed that the petitioner and the complainant agreed to keep this amount of

Rs.10,000/-on the heap of papers in the office of the petitioner. Accordingly, this amount was recovered in post-trap panchanama.

4. Mr. Avhad, learned counsel for the petitioner, submitted that the complaint is false inasmuch as the petitioner had taken action against the complainant for illegal sand mining. This submission cannot be accepted as the veracity of the allegations in the complaint cannot be gone into at this stage especially when the investigation is still in progress. Mr. Avhad also pointed out that there are minor discrepancies in the FIR and submitted that the petitioner was not present when the said amount was kept on the heap of papers in his office. In short, the petitioner has put forth his defence of alibi, which can be gone into only in trial.

5. Taking totality of the facts and circumstances of the case, we find that no case is made out to enable this Court to exercise the extraordinary jurisdiction conferred upon it under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]