

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

CRIMINAL APPLICATION (APL) NO.564 OF 2016

Nilesh s/o Madhukar Langote

..vs..

State of Mah., thr. Anti Corruption Bureau, Akola, Taluka and District Akola

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Counsel for the applicant.
 Ms T.H. Udeshi, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : JUNE 27, 2017.

Heard learned counsel Shri S.V. Sirpurkar for the
 applicant and learned Additional Public Prosecutor Ms T.H.
 Udeshi for the State.

An application for discharge is filed on behalf of
 the present applicant, who is accused No.2 in the case registered
 against him for the offences punishable under Sections 7, 12, 13
 (1)(d) read with Section 13(2) of the Prevention of Corruption
 Act, 1988. *Prima facie* it is an admitted position that tainted
 amount was found in possession of the present applicant.
 Therefore, the statutory presumption is on the present applicant
 to discharge the same and the same can be done only during the
 course of the trial. When *prima facie* material is available on
 record to frame a charge, the Court should always refrain in

interfering with the order rejecting the application for discharge.

The quality of the evidence for securing a conviction and framing of charge are altogether different. In that view of the matter, the present application is devoid of any substance and the same is rejected.

JUDGE

!! BRW !!

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