

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1620 OF 2017
ALONG WITH
CRIMINAL WRIT PETITION NO.1621 OF 2017**

Suhas Gopal Kamble and anr. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Bhushan C Joshi for the Petitioners.
Mrs.S D Shinde, APP for the Respondent/State.
Mr. T V Dhotre a/w Mr. H S Venegaonkar for the Respondent/CBI.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 12th JULY 2018

P.C.

1 The above Writ Petitions have been filed for quashing of the FIRs which are mentioned in the substantive prayer clause (b) of each of the above Writ Petitions. In so far as Writ Petition No.1620 of 2017 is concerned, the same seeks quashing of the FIR being No. RC BA/2016/A0010 which is dated 23/03/2016 and which has been registered for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1988 and Section 120B of the Indian Penal Code. In so far as Writ Petition No.1621 of 2017 is concerned, the same arises out of the FIR being No.RC BA/2016/A0011 which is dated 29/03/2016 and which has been registered for the offences punishable under Sections 7, 12, 13(2) r/w 13(1)(a) and 13(1)(d) of the Prevention of Corruption Act and Section 120B of the Indian Penal Code.

2 The Petitioner herein was the General Manager of the BSNL and the said FIR has been registered on the basis of a written complaint dated 23/03/2016 received from one Sanjay Varerkar who was a contractor working for the BSNL. The gravamen of the allegations against the Petitioner is the demand of illegal gratification for clearing the amounts payable to the said contract on the basis of the bills which were sanctioned. It is alleged against the petitioner that he demanded commission to the extent of 2% of the amount payable to the contractor amounting to Rs.Two Lakhs and odd.

3 It was during the investigation of the said offences that on the basis of the material which was uncovered that the second FIR came to be registered being No.RC BA/2016/A0011 as the FIR discloses that the said FIR has been registered on the basis of the oral information received by the Investigating Officer in respect of the contractors dating back to the year 2014 and the demand of the illegal gratification by Petitioner from the said contractors.

4 The first informant in the first FIR i.e. Sanjay Varerkar is an accused along with other contractors in so far as the second FIR is concerned in view of the fact that he was one of the contractors who was awarded the contract under the supervision of the Petitioner.

5 The quashing of the FIRs is sought on the ground that the substance of the allegations which are contained in both the FIRs is the same. It is not possible to accept the said contention urged on behalf of the Petitioner having regard to the fact that the first FIR has been registered on the basis of the written complaint of one of the contractors as regards the demand of illegal gratification and that the second FIR has been registered on the basis of the material which was uncovered during the investigation of the first FIR.

6 The reliance placed on the judgment of the Apex Court in *Aghnoo Nagesia v/s. State of Bihar* reported in *AIR 1966 SC 119* is misplaced as the said judgment is an exposition of the Apex Court of the position in law in respect of confessions and admissions; especially having regard to Sections 24 to 30 of the Evidence Act, 1872.

7 In our view, therefore, no case for intervention in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal Chandan

Digitally signed by Laxmikant
Gopal Chandan
Date: 2018.07.16 14:18:28 +0530