

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2322 OF 2018**

Rohit Ashok Damse	...Petitioner
Versus	
State of Maharashtra	...Respondent

Mr. Anurag Jain for the Petitioner

Mr. A. D. Kamkhedkar, A.P.P for the Respondent-State

PI Ms. Archana Bodade from ACB, Pune is present

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
MONDAY, 25th JUNE, 2018***

P.C. :

1 The above Writ Petition has been filed seeking quashing of the FIR being C.R. No. 0152 of 2018 registered with the Bhosari MIDC Police Station, Pune. The said FIR has been registered for offences punishable under Sections 8 and 10 of the Prevention of Corruption Act, 1988. The cause for registration of the FIR is the demand of illegal gratification of Rs. 10,000/- for providing a three phase electricity connection to the Complainant, who is an ex-serviceman. The contents of the FIR *prima*

facie disclose the ingredients of the offences being made out. A trap was laid in which the person who accepted the illegal gratification has been apprehended with the marked currency. The facts also disclose that prior to the trap, an enquiry was carried out, in which the voice recording was done, which *prima facie* discloses the complicity of the Petitioner in the crime alleged against him under the Prevention of Corruption Act. The investigation is still in progress and hence, we refrain ourselves from making any elaborate comments on merits, lest, it affects the Petitioner at the trial or it affects the investigation.

2 The learned counsel for the Petitioner seeks to rely upon the judgment of the Apex Court in the matter of ***Shantilal vs. State of Rajasthan***¹. The said judgment is an exposition of the Apex Court as regards the conviction based on the sole testimony of a panch witness. What is required to be noted is that the said case arose after a full trial and it is in the said circumstances that the requirements to bring home a charge under Section 5(1)(d) r/w Section 5(2) of the Prevention of Corruption Act are stated by the Apex Court. The said case, therefore, would not further

1 (1976) 1 SCC 577

the case of the Petitioner for quashment of the FIR at this stage, especially having regard to the fact that the investigation is still in progress. Hence, no case for interference is made out. The Writ Petition is accordingly dismissed.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.