

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

CRIMINAL APPLICATION [APL] NO.847 OF 2017

[Shankar s/o Modkuji Meshram .vs. The State of Maharashtra, through Anti Corruption Bureau, Chandrapur, District-
Chandrapur (M.S.)]

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

.....
Court's or Judge's orders

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Shri R.P. Joshi, Advocate for Applicant,
Shri A.D. Sonak, APP for Respondent.

CORAM : P.N. DESHMUKH AND
MRS. SWAPNA JOSHI, JJ.

DATED : SEPTEMBER 21, 2018.

Heard.

By this application applicant prays for quashing of FIR No.401/2016 registered by the respondent for the offences punishable under Section 13 (1) (e) read with Section 13 (2) of the Prevention of Corruption Act, 1988 on the ground that initially according to the report of Shri D.M. Ghuge, Deputy Superintendent of Police, Anti Corruption Bureau, Division Chandrapur dated 11.7.2016, 'A' summary was recommended as on investigation the alleged disproportionate income and assets of the applicant was less than 10% of the total amount of his income which was considered for the purpose of inquiry. It is also contended that prior to submission of such report, two other investigating officers have also given similar reports dated 24.3.2014, 1.4.2014, 21.8.2014 and 9.10.2014 and has recorded statements of witnesses i.e. Mahesh Deshpande, Dr. Nandu Meshram, Shri Rodmal Gehelot, Shri Narendra Rakhade, Shri Yashwant Ganvir, Advocate, Shri Duryodhan D. Thamke and Shri Ravindra Thamke. In spite of said fact, on 13.3.2017 charge-sheet came to be filed wherein disproportionate assets of the applicant are stated to be 16.79% i.e. more than 10% of his known source of income. Learned counsel for the applicant submits that said

aspect particularly in respect of earlier reports by investigating officer has come to the knowledge of the applicant on obtaining information under the Right to Information Act.

Since chargesheet is filed and in the background of above facts, learned counsel for applicant thus seeks leave to withdraw the application with liberty to take appropriate steps to file discharge application before the Special Court submitting that the said final report referred above dated 11.7.2016 along with earlier reports and statements needs to be duly considered while deciding the discharge application.

Admittedly report dated 11.7.2016, other earlier reports referred above and statements of witnesses may not be forming part of the chargesheet.

Learned counsel for the applicant undertakes to file copies of above documents on securing the same from the investigating agency along with application, if any, filed for discharge. In that view of the matter, we pass the following order :

Leave, as prayed for, is allowed. In the event any application for discharge is filed by applicant before the Special Court, learned Court shall duly consider statements of witnesses named in the body of order along with the earlier final reports of Investigating Officers, copies of which, if any, shall be made available by applicant along with his application for discharge. The application accordingly stands disposed of as withdrawn with liberty in favour of the applicant as aforesaid.

JUDGE

JUDGE