

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

**CRIMINAL REVISION APPLICAITON No. 84 OF 2019**

**Pramod Laxmanrao Deshmukh**

**..VS..**

**The State of Maharashtra, Through A.C.B. Akola and another**

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

Shri. S. V. Sirpurkar, Advocate for the applicant.  
Shri. A. D. Sonak, APP for the non-applicant.

**CORAM : Manish Pitale J**

**DATED : 06.08.2019**

The applicant has approached this Court challenging order dated 24.01.2019 passed by the Court of Assistant Sessions Judge, Akola rejecting an application for discharge filed by the applicant.

2. In the present case, offences under Section 7 and 15 of the Prevention of Corruption Act, 1988 have been registered against the applicant. Upon filing of the charge-sheet, an application for discharge was filed on behalf of the applicant, contending that the material brought on record by the Investigating Agency was unable to show even prima facie that, there was a demand of illegal gratification made by the applicant and that therefore, the applicant deserved to be discharged.

3. While considering the said contention raised

on behalf of the applicant, the Court below made the following observations :-

“8] *Trap panchnama also discloses that the accused was arrived for accepting the bribe and met with the complainant. However, only accused feeling suspicion of trap, had not accepted the bribe. The arrival of accused at the spot clearly discloses attempt to come for accepting bribe. Thus, this is sufficient material to raise grave suspicion against the accused for commission of offence under Section 7 and 15 of the said Act.*

9] *So also, the Spectrography test report discloses that, the recorded questioned voice of the accused is matching with specimen voice. The learned Advocate argued that the provisions of law were not followed while obtaining the voice sample. This aspect can be considered at the time of appreciation of Spectrography Test Report on the basis of evidence being adduced. Thus, this report is prima facie material for framing charge.*

10] *I have gone through both the cited rulings. In Lalitakumari's case (supra), guidelines are laid down in respect of registration of First Information Report. In the Corruption cases, preliminary inquiry is permissible before registration of First Information Report.*

*Therefore, submission of the learned Advocate for the accused in that regard, is not acceptable. Hence, I do not find any reason to discharge the accused from alleged offence. There is sufficient material to frame charge against the accused. The application deserves to be rejected. In the result, following order is passed.”*

4. Considering the material on record and the reasoning adopted by the aforesaid Court it cannot be said that any error has been committed. The applicant will be able to prove during trial that his defence was justified and the prosecution failed to prove its case beyond reasonable doubt, but the material presently on record does not justify the prayer for discharge made on behalf of the applicant.

5. Since the advance copy of the present application was served on the office of the Government Pleader and learned APP has appeared, this Court has taken up the present application for consideration and disposal.

6. In view of the above, present application is dismissed.

**JUDGE**