

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO.1683 OF 2020

AZIMUDDIN S/O. ABDUL HAMEED
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Hamzakhan I. Pathan.

APP for Respondent/State: Mr. A. V. Deshmukh.
...

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 05th January, 2021.

ORDER: (Per T. V. Nalawade, J.)

. The application is filed for relief of quashing of FIR No.106 of 2015, registered with Vazirabad Police Station, District Nanded, for the offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. The relief of quashing of the charge-sheet, which is given in Special Case No.10 of 2016 and which is pending in the Court of learned Additional Sessions Judge, Nanded is also claimed.

2 Both the sides are heard.

3 The papers of investigation were made available and they

show that the present Applicant has been working as a clerk in the office of the District Superintendent of Police, Nanded. His work involves processing of the matters of the employees of the department for getting accommodation in Government building. It is contended by original complainant Dharma Rathod that he had made one application for getting a flat in the work Dhawalgiri building and he had collected record like vacation report of the previous occupant of one such flat. It is contended that he approached the present Applicant and requested to process the matter for making allotment of the said flat to him. The present Applicant demanded bribe of Rs.1,000/-. It is contended that as the Applicant insisted to give this amount for processing the matter, the approached Anti-Corruption Bureau. The report was given by the police officer of the Anti-Corruption Bureau after taking action. The papers shows that after receipt of the complaint of Rathod, step was taken to verify the things. As on the date fixed for doing verification Panchayat the Applicant did not turn up, trap was laid and the tainted money, amount of Rs.500/- was tendered after demand made by the Applicant. This amount was accepted in the presence of *Panch* witnesses by the Applicant and the amount was kept on right side pocket of the pant by the Applicant. As the trap became successful, action was taken and the tainted money was recovered from the clothes of the Applicant. The *Panchanama* was accordingly prepared.

4 The material collected by the police shows that there will be evidence on demand of bribe made by the Applicant and acceptance of the bribe by the Applicant. It was contended by the counsel for Applicant that the matter was already placed before the superior officer of police department for process and no work was left with him. Such submission cannot be considered at this stage when crime is registered for the aforesaid offences. His work involved processing of the matter and he accepted the money from the original complainant for processing the matter and for seeing that complainant gets Government accommodation.

5 Such incidents are increasing day by day. When the case was filed in the year 2015, the present matter came to be filed in the year 2020. It is clear that only to protract the hearing of the matter, the present proceeding is filed. The aforesaid material is more than sufficient for framing the charge for aforesaid offences. In the result, the application stands dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]