

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 110 OF 2021

(GANESH MAGANRAO AHIRE...VS.. STATE OF MAH.THR.PSO PS GADGE NAGAR & ANR.)

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

Court's or Judge's orders

Ms S. S. Jadhav, Advocate for Applicant.
Shri Nitin Rao, A.P.P. for Non-applicant No.1.
Shri C.A.Babrekar, Advocate for Non-applicant No.2.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : JANUARY 21, 2021.

Heard.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicant-accused has prayed that the First Information Report registered against him for the offence punishable under Sections 7 and 7A of the Prevention of Corruption Act, 1988, be quashed.

3. According to the applicant, the demand alleged to have been made by him is not at all proved and the ingredients necessary to constitute offence alleged against him are not found in the report lodged against him.

4. *Prima-facie*, we find that the trap was laid by the Anti-Corruption Bureau. The learned Advocate for the applicant submitted that the trap was not successful. However, in our view, it would not be proper for this Court to appreciate this factual aspect in this application under Section 482 of the Code of Criminal Procedure.

5. According to the non-applicant No.1-Investigating Agency, there are recordings of the talks between the applicant and the non-applicants No.2/complainant. The First Information Report is registered on 28th November 2020 and investigation is still going on.

6. In the above facts, we are not inclined to exercise extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure and abort the investigation.

Hence, the Criminal Application is **dismissed**.

The applicant will be at liberty to file application praying for discharge before the trial Court if the charge-sheet is filed against him.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)

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