

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

CRIMINAL APPLICATION (APL) NO. 830/2021

Gajendra Bhaskarrao Paratkar Vs. The State of Maharashtra and Ors.

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

Court's or Judge's orders

Shri V. D. Darne, Advocate for the Applicant.
Shri V. A. Thakare, A.P.P. for Non-applicants/State.

CORAM : V. M .DESHPANDE AND
AMIT B. BORKAR, JJ.

DATE : 24/08/2021.

1. Heard Shri V. D. Darne, learned counsel for the applicant.
2. The applicant who is a Talathi is challenging the First Information Report dated 28.11.2010 registered against him under Section 7 of the Prevention of Corruption Act, 1988.
3. According to the learned counsel for the applicant, there is a delay of 2 months in lodging the First Information Report. He also submits that according to his instructions, as on today, the charge-sheet is not filed.
4. The case of the prosecution cannot be thrown in dustbin merely because there is a delay in lodging the First Information Report. It is also open for the prosecution to explain the delay either in the First Information Report, by recording required statements of concerned officers while presenting the charge-sheet or even during the course of the trial. Therefore, the submission made on behalf of the

learned counsel for the applicant that the First Information Report must go because of delay, requires no consideration and his submission is rejected.

5. The learned counsel for the applicant invited our attention to the First Information Report. The First Information Report clearly shows that the applicant, who is a Talathi has stated that he will accept the amount of Rs.2,000/-, which is a bribe amount, after the Vidhan Sabha elections are over. When there is very clear statement and allegation in the First Information itself that a bribe amount will be accepted after elections are over, in our view, *prima facie*, it shows that the offence under Section 7 of the Prevention of Corruption Act is complete.

6. There is no merit in the application.

7. The application is dismissed.

JUDGE

JUDGE