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

CRIMINAL REVISION APPLICATION NO.147 OF 2019

The State of Maharashtra,
Through The Deputy Superintendent of
Police, Anti Corruption Bureau, Amravati,
Taluka and district Amravati. **Applicant.**

:: VERSUS ::

1. Sau.Ranjana Nandkishor Sagar,
Aged about 45 years, occupation service,
R/o Zillha Parishad Colony,
Maltekdi Road, Amravati.

2. Sau.Nalini Kishor Tayde,
Aged about 50 years, occupation service,
R/o Uttam Nagar, Amravati,
Taluka and district Amravati. **Non-applicants.**

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Shri K.L.Dharmadhikari, Asstt. Government Pleader for the petitioner.
None for non-applicant No.1.
Shri Rahul Tajne, Counsel for non-applicant No.2.
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CORAM : **VM.DESHPANDE, J.**
DATE : **JANUARY 25, 2021**

ORAL JUDGMENT

1. Heard learned Assistant Government Pleader Shri
K.L.Dharmadhikari for the applicant and learned counsel Shri
Rahul Tajne for non-applicant No.2. Nobody is appearing for non-

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applicant No.1 even otherwise presence of non-applicant No1 is not at all necessary. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. By this revision, the State of Maharashtra, through The Deputy Superintendent of Police, Anti Corruption Bureau, Amravati is challenging order dated 26.10.2018 passed by learned Additional Sessions Judge, Amravati below Exhibit 7 in Special (ACB) Case No.16/2014. By the impugned order, learned Judge below allowed the application (Exhibit 7) filed on behalf of non-applicant No.2 and the Court discharged her from criminal proceeding.

3. Facts giving rise to this revision are as under:

One Chetan Ghogare approached to the Anti Corruption Bureau at Amravati on 25.10.2013 and lodged his complaint. As per his complaint, he is resident of village Chincholi Bk., taluka Anjangaon Surji, district Amravati. He is having his garment shop at the said place. His friend one Nitin is a member

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of Gram Panchayat of the said village in 2012 election took place. The said Gram Panchayat consists of nine members. In the said election, four candidates belonging to the complainant group were elected. Whereas, five persons were from opposite group. After election, one Suchita elected as Sarpanch. Whereas, one Kailash elected as Up-Sarpanch. They belong to opposite group of the complainant. Though it was obligatory on their part to furnish expenditure account, they failed to do so. Therefore, the complainant along with his friend one Nitin filed proceedings for their disqualification in the office of the Collector.

4. The core allegation in the complaint is that on 24.10.2013 the complainant visited office of the Collector for obtaining copy of order of the Collector which was given in favour of complainant's friend Nitin. At that time, one Smt.Sagar was incharge of the concerned department. The complainant's complaint states that the complainant shown receipt showing payment of Rs.30/- for obtaining copy of order. As per the allegations made in the complaint, Smt.Sagar demanded amount

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of Rs.3000/- by writing the said amount on a cheat. According to the complaint, when the said was resisted, she asked the complainant that unless the amount is paid, he will not get copy of the order. Therefore, he lodged the complaint.

5. According to learned Assistant Government Pleader, only material against non-applicant No.2/accused No.2 is that there is a reference in recorded telephonic conversation between the complainant and Smt.Sagar and in that there is a voice of an unknown lady and according to learned Assistant Government Pleader that unknown lady is accused No.2. Smt.Nalini. Learned Assistant Government Pleader fairly stated that when tainted amount was received by accused No.1 Smt.Sagar, that time also the complainant was not present on the spot.

6. As per the prosecution case, accused No.2 Smt.Nalini was working as Peon in the Collector office. The complaint is silent about presence of accused No.2 Smt.Nalini when accused No.1 demanded Rs.3000/- from the complainant by writing the said amount on a cheat.

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7. Learned Judge below has rightly appreciated recorded conversation in which there is nothing to show that accused No.1 Smt.Sagar asked the complainant to hand over the amount to accused No.2 Smt.Nalini, the Peon. The entire chargesheet does not show any direct or indirect involvement on the part of accused No.2. Learned Judge below after scrutinizing entire chargesheet scrupulously found that there is no iota of evidence even giving grave suspicion against accused No.2 for framing of charge against her and, therefore, learned Judge rightly allowed the application filed on behalf of the original accused No.2 under Section 227 of the Code of Criminal Procedure and discharged her. Record shows that learned Judge has already framed charge against accused No.1 Smt. Sagar vide Exhibit 18.

8. In the totality of the circumstances and after having gone through the chargesheet which is placed before me and after having gone through record and proceedings, I am of the view that no error is committed by learned Judge below while discharging

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accused No.2 Smt.Nalini from Special (ACB) Case No.16/2014.

Hence, I pass following order:

ORDER

(1) The criminal revision application is rejected.

(2) The order of discharge dated 26.10.2018 passed by learned Additional Sessions Judge, Amravati below Exhibit 7 in Special (ACB) Case No.16/2014 is hereby confirmed.

(3) Registry (J.) is directed to remit back Record and Proceeding immediately.

The criminal revision application stands disposed of.
Rule is discharged accordingly.

JUDGE

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