

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CRIMINAL WRIT PETITION NO.12 OF 2022

JANARDHAN NAGORAO TATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Uttarwar Pavan P.
APP for the respondent – State : Mr. S.D. Ghayal
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 21 OCTOBER 2022

PC :

The petitioner is seeking quashment of the FIR no. 167 of 2021 registered with Kasar Shirsi Police Station, Latur for the offences punishable under section 7 and 12 of the Prevention of Corruption Act.

2. Learned advocate for the petitioner submits that the petitioner is merely a licence holder of Weights and Measures Department and running a workshop. He is not directly involved in the functioning of the office of Legal Metrology Department. He is being falsely implicated. Going by the procedure followed at the Legal Metrology Department, he has no role to play much less to receive any fees. It would be sheer abuse of the process of law, if he is made to face the prosecution not being a public servant.

3. Learned APP submits that at this stage, it is sufficient to note that the petitioner was caught red-handed with tainted currency notes which were seized from his pocket. Even if he is not a public servant, by taking recourse to section 12, he could be prosecuted for abetting the crime. This is not a fit case for quashing the crime.

4. We have carefully perused the FIR. As usual, it has been lodged by the informant narrating the circumstances leading to the raid in which the petitioner is alleged to have accepted the tainted currency notes. The panchanama was also drawn. Prima facie, there is no material to indicate as to what was the stand being taken by the petitioner when actual raid was effected and tainted currency notes were found to have been received by him from the informant and having kept in the pocket of his shirt. At this juncture, this much of evidence is sufficient to implicate the petitioner.

5. Assuming that the petitioner is not a public servant, still, he can be prosecuted by taking recourse to section 12 for abetting the crime under section 7 of the Prevention of Corruption Act.

6. The writ petition is dismissed.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/