

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

CRIMINAL APPLICATION (APL) NO.1289 OF 2022

Suresh Ramrao Pund .Vs. State of Maharashtra, through Anti Corruption Bureau,
Akola, Tq. & Dist. Akola

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the applicant.

Shri A.M. Kadukar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 11/10/2022

1. Heard Shri Sirpurkar, learned counsel for the applicant and Shri Kadukar, learned A.P.P. for the non-applicant/State.

2. In this criminal application under Section 482 of the Code of Criminal Procedure, a challenge is raised to the order dated 11.11.2021, passed by the Additional Sessions Judge, Akola in Special Case (ACB) No.128 of 2018, rejecting the application for discharge filed by the present applicant.

3. The learned counsel for the applicant submits that, no statements of independent witnesses were recorded or no date or time is mentioned in the complaint about the demand therefore, he submits that the applicant needs to be discharged in absence of sufficient evidence.

4. On the other hand, the learned APP strongly opposes the present application and submits that no error has been committed by the learned trial Court in rejecting the application of the applicant for discharge. Accordingly, he prays for rejection of the present application.

5. I have perused the application and the impugned order.

6. The learned trial Court after considering the material available on record has categorically observed that there is sufficient incriminating material against the applicant to show his involvement in the present matter.

7. Essentially, the contentions of the applicant is the matter of trial and at this stage, only on the ground that the statements of independent witnesses are not recorded or date or time is not mentioned about the demand, discharge cannot be granted. In the circumstances, I do not find any error committed by the learned trial Court, particularly in recording the reasons in Paragraph-3 of the impugned order dated 11.11.2021.

8. In the circumstances, in absence of any merit, I am of the opinion that the present application needs to be rejected. Accordingly, I pass the following order:

The criminal application is **rejected**.