

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 440 OF 2023

Kishor S/o Vishnu Kale
Age : 43 years, Occ : Government Service,
at present working as Deputy Chief
Executive Officer, Water Supply and
Sanitary Department, Zilla Parishad,
Latur, Dist. Latur.

..APPLICANT

-VERSUS-

1. The State of Maharashtra
Through P.I. Police Station, Parner,
Tq. Parner, Dist. Ahmednagar.
2. Vishnu S/o Mahatardev Avhad
Age : 52 years, Occ : Service,
Police Inspector, Prevention of
Corruption Department, Ahmednagar,
Dist. Ahmednagar.

..RESPONDENTS

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Advocate for Applicant : Mr.V.D. Salunke h/f Mr.M.V. Salunke
APP for the Respondent/State : Mr.A.R. Kale
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATED : 20th JUNE, 2023.

JUDGMENT (PER Sanjay A. Deshmukh, J.) :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned advocates for the parties.
2. This is an application filed under section 482 of the Criminal Procedure Code, 1973 for quashing of FIR No.16 of 2016 registered

at Police Station, Parner, Tq. Parner, Dist. Ahmednagar under sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 and charge-sheet No. 41 of 2017 in Special Case No.248 of 2017 pending in Special Court, Ahmednagar.

3. The learned advocate for the applicant pointed out that there was pay fixation of Gram Sevak Sanjay Chimaji Gavali on 17.10.2016 and therefore, there was no question of making of demand of bribe on 18.10.2016 on the part of the applicant. Thus, there was no demand. The story of acceptance of bribe is false. It is further urged that 4-5 times trap was arranged and it was not succeeded. In order to implicate the applicant falsely, an amount of alleged bribe was put on the bed/cot in drawing room deliberately. There is inherent lacuna of demand, therefore, there is no chance of success in conducting the trial. It is abuse of process of law. It is lastly prayed to quash and set aside the FIR, charge-sheet and criminal proceeding.

4. The learned APP submitted that there is ample, prima facie, evidence on record and the applicant was found while accepting the bribe. The formalities of sanction to prosecute etc are complied and thereafter the charge-sheet is filed. Considering the prima facie strong case against the applicant, he lastly prayed to reject the application.

5. Perused the charge-sheet. The report shows that the applicant has made demand of bribe of Rs.60,000/- to the informant. It is corroborated by the intercepted conversation on telephone. The applicant was arrested while accepting the bribe of Rs.30,000/-, which was taken away in presence of panch witnesses and seized. Trap was properly arranged. Procedure is properly followed. Thus demand of the bribe, acceptance of it and sanction to prosecute the applicant are prima facie established by the prosecution. Therefore, there is no question of abuse of process of law. There is no substance in the grounds raised by applicant to allow the application. The application, therefore, deserves to be rejected. Hence the following order :-

ORDER

- a. The application is rejected.
- b. Rule stands discharged.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/