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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.203 OF 2022
WITH
INTERIM APPLICATION NO.1667 OF 2022

Shripati s/o Chandramani Mishra] .. Applicant

vs.

CBI, ACB MUMBAI & Anr.] .. Respondent

Mr.Akash Singh i/b Ashok Saraogi for the Applicant.

Mr.Kuldeep Patil, Retainer counsel for CBI ACB Mumbai.

Mr.S.R. Agarkar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 28th August, 2023.

P.C.

1] The Applicant seek discharge from the charges levelled against him by the CBI for the offence punishable under Section 120B of the IPC alongwith Section 7, 8, 12, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, on the ground that he, as an authorized agent for Censor Certification Mumbai, has demanded a bribe on behalf of the CEO of the Central Board of Film Certification (CBFC), a public servant, for issuance of Censor Certificate in respect of a regional language film of Chhatisgarh titled as "More Dauki Ke Bihav".

2] With the able assistance of the learned counsel for the Applicant

Mr. Akash Singh and Mr.Kuldeep, Patil, the learned counsel appearing for the CBI, I have perused the charge-sheet filed before the Special Judge on 21.06.2016 which has invoked Section 120 B of the IPC and relevant provisions of the PC Act.

Admittedly, the Applicant is not a public servant and he face the accusation under Section 120B read with Section 12 of the PC Act.

3] The charge-sheet clearly reveal that the complainant is an agent for censor certification who had applied for a Censor Certificate for a film, to the CEO of CBFC, Mumbai on behalf of its producer. He had a meeting with the CEO and requested for grant of earlier certification as the film was to be released on 15.08.2014. He, for the second time visited the CEO on 11.08.2014, again making a request for urgent release of the certificate, but he was informed that the process would take 15 days.

Since he was interested in obtaining the certificate for early release of the film as per the schedule i.e. on 15.08.2014 and the film had already received wide publicity, he met another agent i.e. the present Applicant, and had a discussion with him. He was informed that if he would agree to pay a bribe of Rs.70,000/-, the Applicant would arrange for the release of the aforesaid film and issue the necessary Certificate through Accused No.3. The complainant was also informed that the amount would not be directly accepted by him and the amount of bribe should be passed to him.

Accordingly, the aforesaid complaint was verified on 12.08.2014 in presence of the independent witness by making a phone call by the complainant on his mobile phone to the present Applicant on his mobile and the conversation was verified and recorded with the help of digital voice recorder. Pursuant thereto a trap was laid and the Applicant was

caught red handed while accepting the bribe amount of Rs.50,000/-. All necessary formalities were completed as the amount was recovered in presence of the Panch witnesses.

The Applicant face the charge that he assured the work of the complainant to be done through Accused No.2, a member of CBFC and indulged in conspiracy in collecting the bribe amount on behalf of the CEO from the agent. Meeting of the Accused No.1 with Accused No.2 was arranged after ascertaining his whereabouts through the calls made and conversation is recorded in SD card with the help of DVR. Once again a trap was laid for nabbing Accused No.2 on the next date i.e. 14.08.2014 and the trap was successful as the bribe amount of Rs.40,000/- was accepted by Accused No.2.

4] The material in form of the recordings and panchanamas are included in the charge sheet, which definitely deserve to go for trial alongwith the accused persons.

In any case it cannot be said that the prosecution do not have material at this stage to establish its case and therefore no case is made out for discharge.

In the wake of above, Revision Application is rejected.

Accordingly, Revision Application and Interim Application, both stand disposed off.

Needless to state that the observations above are made for the purpose of decision of the present Revision Application.

[BHARATI DANGRE, J]