

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.207 OF 2023

PRADNYA
MAKARAND
BHOGALE

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PRADNYA MAKARAND
BHOGALE
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Ramrao Gunja Rathod

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Mohammed Umar Kazi a/w Adv. A. W. Shaikh for the
Applicant.

Ms. Anamika Malhotra, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 11, 2023

P.C. :

1. Heard learned counsel for the Applicant and learned
APP for the State.

2. This Criminal Revision Application challenges an order
passed below Exhibit 11 in Special Case No.24 of 2014 by
the trial Court rejecting the application for discharge of the
accused under Section 227 of the Code of Criminal
Procedure, 1973. The allegation against the Applicant is
that he committed an offence under Section 7 of the
Prevention of Corruption Act, 1988 (hereafter "P.C. Act", for
short). The Applicant is a Junior Engineer in Panchayat
Samiti, Murbad. In respect of valuation report of the

completed work which the complainant wanted, it is alleged that the Applicant demanded a bribe to submit a favourable valuation report.

3. Learned counsel for the Applicant submitted that as many as five traps failed. It is further submitted that there is a delay of 4 months and 18 days in lodging the FIR. It is further the submission that the demand so made as per the complainant is not corroborated by any independent witnesses.

4. In response, apart from justifying the trial Court's order, learned APP relied upon an additional circumstance that the FSL report in respect of the voice sample has now been received and the transcripts clearly reveal that the demand was made constituting an offence under Section 7 of the P.C. Act.

5. Learned counsel for the Applicant submitted that such a report of the voice sample at a belated stage should not be taken into consideration which causes prejudice to the Applicant. In any case, learned counsel for the Applicant submitted that such a report was not before the trial Court

when the application below Exhibit 11 was heard and therefore, no relevance should be assigned to such a report for the consideration of the present Criminal Revision Application.

6. I have gone through the impugned order. Learned counsel has taken me through the complaint, relevant materials and the impugned order.

7. From the order of the trial Court and the materials relied upon by learned counsel for the Applicant and learned APP, it is clearly seen that the version of the complainant and that of the panch witnesses about demanding bribe is on record supported by the conversation recorded in the voice recorder which was placed before the trial Court. The FSL report regarding the voice sample of the accused, which has now been received supports the prosecution. This is an additional circumstance. As to what is the effect of delay in filing the complaint is a subject matter for trial. The circumstances and the materials on record are sufficient to *prima facie* demonstrate that the accusations constitute an offence under Section 7 of the P.C. Act. I do

not find any reason to interfere with the order passed by the trial Court in the exercise of revisional jurisdiction.

8. Criminal Revision Application is therefore rejected.

9. Needless to mention that the observations made in the order of the trial Court as well as by this Court are limited for deciding the application below Exhibit 11 and shall not influence the trial Court which shall decide the trial on its own merits.

(M. S. KARNIK, J.)