

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

WRIT PETITION NO.3499 OF 2018

Sanjay Laxmanrao Pawar.

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Satyavrat Joshi for Petitioner.

Mr. A. R. Kapadnis, APP for respondent-state.

Mr. V. S. Mane, Pl, ACB, Pune present.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 30th JANUARY, 2023

P.C.:

1. Learned APP has invited attention of this Court to the order dated 26/03/2019 delivered in Crime No. 3076 of 2009 registered with Swargate Police Station for an offence punishable u/s. 7, 12, 13(1)(d), 13(2) of Prevention of Corruption Act, 1988. The learned Session Judge has passed an order in exercise of powers u/s. 169 of Cr.P.C. in favour of the petitioner in the aforesaid crime.
2. Since the photo copy of the said order is placed on record, nothing survives in the petition.
3. The petition stands disposed of.
4. However at this stage, learned counsel for the petitioner has pressed prayer clause (e) viz. award of compensation of

Rs.10,00,000/- to the petitioner. According to Mr. Joshi in the aforesaid offence inspite of the fact that the petitioner being an innocent was roped in, arrested and was humiliated.

5. So as to substantiate his contentions, he has relied on the order passed by Sessions Court in exercise of powers u/s. 169 of Cr.P.C. in favour of the petitioner.

6. We have appreciated the said submissions.

7. The perusal of the allegations against the petitioner reveals that the petitioner, a public servant was occupying the post of police inspector. The allegations in the FIR are that of co-accused having accepted an amount of bribe on behalf of the petitioner.

8. The investigating agency during the investigation has noticed that conspiracy was hatched and accordingly invoked the provisions of section 12 of the Prevention of Corruption Act.

9. The FIR and other documents reveals that the petitioner was named as a person for on whose behalf / name the bribe was accepted by other two co-accused.

10. However, during investigation since evidence of demand or conspiracy was not found he was discharged. As such, it cannot be said that the petitioner was targeted or falsely impleaded so as to victimize him in the aforesaid offence.

11. In the aforesaid background, it cannot be said that the petitioner is entitle for compensation as has been prayed by him in the petition. As such, the said prayer stands rejected.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)

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