



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3147 OF 2024

Pravin s/o Laxman Pawar
Age: 38 years, Occupation : Service,
R/o Changle Nagar, Tq. Ambad,
District Jalna. ... Applicant

Versus

1. The State of Maharashtra
2. Santosh s/o Sakham Kamble
Age : 35 years, Occupation : Agri,
R/o Gondi, Tq. Ambad,
District Jalna. ... Respondent

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Mr. Narayan Vasantao Vireshwar, Advocate for the Applicant.
Mrs. R. P. Gaur, APP for Respondent No.1-State.
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 23 AUGUST 2024

PER COURT :-

1. Applicant is praying to quash FIR bearing No. 40/2024 registered at Gondi Police Station, District Jalna for offence punishable under Sections 7 and 12 of the Prevention of Corruption Act, 1988 [PC Act].

2. Learned counsel pointed out that above FIR has been registered against the applicant on 04.02.2024. That, applicant was working as Clerk. That, he had no powers to take decision whether to take action against complainant or not. That, such powers were vested with Tahsildar and Naib Tahsildar. Therefore, there was no question of demanding Rs.50,000/- for not taking any action for alleged illegal transportation of sand. Applicant never met complainant and even ACB authorities did not catch applicant in trap while accepting any bribe. That, in fact, trap itself was not successful and therefore, there is no offence at all. Hence, for above reasons, learned counsel prays that complaint as against him deserves to be quashed by exercising powers under Section 482 of Cr.P.C.

3. Learned APP opposed on the ground that applicant is booked for offence under provision of PC Act. Investigation is under way, and considering the magnanimity and seriousness of the charge, she prays to dismiss the application.

4. After considering submissions of both sides, and on going through the FIR, it emerges that it is at the instance of one Santosh Sakharam Kamble, an agriculturist and he also conducts business of transporting sand in partnership with one Asman @ Pappu Gat.

Complainant owns vehicle bearing no. MH-21-BH-5938 which is meant and used for loading and transporting sand. He has reported that on 21.12.2023 he received information from his driver that his said vehicle was intercepted by Naib Tahsildar Bhalchandra Madam and present applicant and therefore, informant claims to have approached present applicant, who had allegedly told him that action would be taken for illegal activity. That, when he was requested not to take any action, informant claims that, Rs.50,000/- were demanded to avoid action and also further demanded regular *hafta* for carrying out illegal transportation in future. Informant claims that he was also called with the amount in the vicinity of Vadigodri where flying squad was proposed to pay visit. Informant claims that as he was not willing to pay bribe, he approached ACB, who planned and arranged trap. ACB authorities also arranged panchas.

5. It is further emerging from the report that on the night of 28.12.2023, applicant was approached by informant and pancha with request to reduce the bribe amount but applicant did not concede and reduce the demand and insisted for Rs.50,000/-to be brought same night. Informant claims that the conversation of demand was tape-recorded and handed over to ACB. Thus, there is verification of demand. Though subsequent trap did not succeed, ACB authorities

are equipped with conversation of demand. Therefore, it cannot be said that there is no material to proceed and that trap never succeeded.

6. Consequently, we are of considered opinion that taking above quality of material into consideration, it is not at all a case to invoke provisions under Section 482 of Cr.P.C as prayed for. Hence, the application stands dismissed.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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