



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.134 OF 2023

Ravikiran Nagnath Bhad
Age: 33 years, Occu.: Service,
R.T.O. Office, Beed,
R/o. Beed, Tq. And Dist. Beed,

.. Applicant

Versus

1. The State of Maharashtra
Through the P. I. Police Station,
Beed Rural.
2. Shri Ravindra s/o Amersing Pardeshi
Police Inspector, A.C.B. Beed,
R/o. Anti Corruption Bureau, Near
Civil Hospital, Beed.
3. Bakshu Amir Shaikh,
Age: 54 years, Occu.: Legal Practitioner,
R/o. Near Mahebobiya Masjid,
Shahu Nagar, Beed,
Taluka and District Beed.

.. Respondents

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Mr. V. D. Salunke, Advocate for the applicant.
Mr. A. D. Wange, APP for respondent Nos.1 and 2/State.
Mr. H. V. Tungar, Advocate for respondent No.3.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

**RESERVED ON : 20 JUNE 2025
PRONOUNCED ON : 28 JULY 2025**

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed initially for quashing the FIR
vide Crime No.26 of 2022 dated 20.01.2022 registered with Beed Rural

Police Station, District Beed and later on, by way of amendment, for quashing the proceedings in Special Case No.193 of 2024 (Charge-sheet No.19 of 2024 dated 30.10.2024) pending before the learned Special Judge, under Prevention of Corruption Act/District Judge-3 and Additional Sessions Judge, Beed for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act.

2. Heard learned Advocate Mr. V. D. Salunke for the applicant, learned APP Mr. A. D. Wange for respondent Nos.1 and 2/State and learned Advocate Mr. H. V. Tungar for respondent No.3.

3. Learned Advocate appearing for the applicant has taken us through the entire charge-sheet, especially the complaint and the FIR lodged by respondent No.3. He submits that respondent No.3 claims that he is an Advocate and he also works as agent or representative of private vehicle for the works in Regional Transport Office, Beed. He takes consent from the vehicle owners when they are in need of documentation to be done for transfer of vehicle, getting various certificates regarding vehicle, entering the encumbrance on vehicle etc. for which he charges. About 4-5 owners of the vehicle had given him authority to act in their behalf for getting certain certificates a week prior to his complaint dated 16.09.2021. He, therefore, met the applicant on 15.09.2021. The applicant told him that for each certificate he will have

to pay amount of Rs.2000/- and at that time, then he asked the applicant as to whether it is a Government fees. The applicant replied that if he is paid amount of Rs.2000/- per vehicle, then only he will issue the certificate, otherwise he will not issue the certificate or declare the vehicle to be fit. Learned Advocate for the applicant raises doubt as to whether the Advocate can act in such capacity as agent in Regional Transport Office (for short "R.T.O.") when in the R.T.O. it is prohibited for anybody to approach the Government as agent. The complainant also states that he met one private person by name Pravin Gaikwad, who also confirmed that amount of Rs.2000/- will have to be given per vehicle for getting the certificate. Therefore, complainant says that he got knowledge that the said amount has been asked as bribe. He was not willing to pay the same and, therefore, he approached the Anti Corruption Bureau. After laying the pre-trap panchanama and then post trap panchanama in the trap, ultimately, it was not successful. The FIR was lodged. Interesting point to be noted is that the alleged trap was laid on 20.10.2021 and the FIR has been lodged on 20.01.2022. There is inordinate delay. The complainant has tried to give his own reasons as to why the applicant would not have accepted the amount and not even then contacted him. He then states that he had discussion with the police officer on 19.01.2022 and then the FIR came to be lodged. Here, in this case, everything is suspicious. Even if we consider the

conversation that is alleged to have taken place, still it can be considered that there is absolutely no demand from the present applicant. The complainant was asking as to how much he should give in respect of truck. His acceptance of bribe is an offence, giving it or attempt to give it, is also an offence and, therefore, with this material, though the sanction appears to have been given, yet it would be an abuse of process of law, if the applicant is asked to face the trial.

4. Learned APP is relying on the affidavit of one Deepti Parag Parulekar, the Desk Officer, Home Department, Mantralaya, Mumbai informing that respondent No.3 has lodged a complaint dated 21.09.2021 before the Hon'ble the Home Minister and a similar complaint was given to Additional Director General, Anti Corruption Bureau, Maharashtra State, Mumbai containing allegations against the officers of the Anti Corruption Bureau, District Beed. Thereafter, Additional Superintendent of Police had conducted the inquiry into the allegations made by respondent No.3 as per the communication dated 06.02.2025 and the report has been given. He submits that though the complainant appears to be a person who is giving complaints against many persons, yet each complaint will have to be investigated and then the decision will have to be taken. Accordingly, in the present case, when the complaint was filed, pre-trap panchanama was conducted and verification of the complaint was made; thereafter along with panch No.1,

the complainant had met the applicant and the conversation was recorded in the voice recorder. Transcript of the same has been given.

The said conversation is as follows :-

“तक्रारदार बक्शु शेख : बरं ट्रकला किती देउ.

लोकसेवक भड : दोन...

तक्रारदार बक्शु शेख : दोन हजार लई होतात ना..

लोकसेवक भड : नाही पण..

तक्रारदार बक्शु शेख : दोन हजार म्हंजी.. कसय आम्ही तरी काय घ्यावं बरं लोकाकुन सर कारण कसयं..

लोकसेवक भड : हSS.. हSS..”

The further conversation would show that the negotiations has been done by the applicant and the ultimate rate was settled at Rs.1000/- for truck and Rs.500/- for small pickups. Ultimately, he has not accepted the amount on that day, but certainly there was an attempt. Therefore, offence under Section 7 of the Prevention of Corruption Act has been made out in this case.

5. Learned Advocate for respondent No.3 after adopting the submissions on behalf of the State relies on the decision in ***State of Rajasthan Vs. Ashok Kumar Kashyap, [Laws (SC) 2021 4 13]***, wherein it is held that High Court cannot evaluate the evidence on record on merits at the stage of considering the discharge application, as it is

impermissible and beyond the scope of the exercise of the revisional Court. He therefore submits that this Court cannot evaluate the evidence. The scope of Section 482 of the Code of Criminal Procedure is limited. He further relies on the decision in ***Ravindra Kumar Madhanlal Goenka vs. Rugmini Ram Raghav Spinners P. Ltd., [2009 SCC (11) 529]***, wherein it has been held that “the powers under Section 482 of the Code of Criminal Procedure can be exercised only in extreme cases, where criminal prosecution can be quashed by the Court at the very threshold.”

6. The decisions relied by the learned Advocate for respondent No.3 are binding on this Court, however, at the same time, we will have to consider as to whether from the material that has been produced in the charge-sheet is sufficient to make out the *prima facie* case. Even for that purpose also if an accused is intentionally framed or the FIR has been lodged with *mala fide* intention, then within the parameters laid down in ***State of Haryana and others Vs. Ch. Bhajanlal and others, [AIR 1992 SC 604]***, this Court has jurisdiction to consider the entire material.

7. It can be seen from the fact that present respondent No.3/original complainant, who is an Advocate, clearly states in his complaint that he is acting as agent. Now, in view of the decision taken by the Government and the Circulars then issued by the Collector, practice of unauthorized

persons or touts is prohibited. Another fact that is also required to be considered is that in view of the order passed in ***Akola Shahar Truck Owners Association and others vs. The State of Maharashtra and others, [Writ Petition No.443 of 2015 with companion matters decided by this Court, Bench at Nagpur on 25.03.2015]***, certain directions were given and earlier to that in another matter i.e. ***Writ Petition No.2065 of 1987 decided on 06.06.2002***, this Court Bench at Nagpur, had given directions and upon the same, the Government had issued Circular dated 08.01.2007, by which letter of authority and declaration of representative was made compulsory. The applicant appears to be taking shelter of the said form and states that by taking fees, he is getting those forms filled from his client and then doing the work for them. It is in fact the prerogative of the Bar Council of Maharashtra to consider as to whether it is a fair practice. We may not go into the point as to whether respondent No.3 is a tout or not, but certainly he is a person who visits R.T.O., Beed oftenly. It appears that he has also lodged complaints in respect of alleged corruption in R.T.O. with the Government. Now, affidavit-in-reply has been given by respondent No.3 refuting the allegations in the application. In respect of his complaint, as per the affidavit of Ms. Deepti Parulekar and the documents those are annexed thereto, it is stated that the inquiry was held and the said complaint filed by respondent No.3 with the State

Government regarding Corruption at R.T.O. Beed was found to be untrue. With this background then it is required to be seen as to what are the facts.

8. Now, coming back to the next point, according to the complainant, he states that he met the applicant on 15.09.2021 and demanded the certificate of the vehicles of which inspection was done by the applicant. He states that the said inspection was done by the applicant on 09.09.2021 and 14.09.2021. He then states that applicant demanded amount of Rs.2,000/- for each vehicle. After he filed the complaint with Anti Corruption Bureau, verification was decided to be taken. Panchas were arranged and along with panch No.1, the complainant went and met applicant. The earlier conversation does not say anything regarding the demand, but the conversation which has been reflected above and just prior to that it is then stated that the present applicant made gesture for demand of money, but then immediately the complainant has stated that he has not given anything regular. If that is so, then he ought to have stick to that and there was no question for him to ask as to how much he should pay for truck. That means, the complainant, who had offered the bribe first is the impression, then also the reduction in the amount to Rs.1,000/- for truck and Rs.500/- for pickup vehicle is his own offer. Therefore, record does not show that it was the clear demand of amount by the present applicant. After some conversation wherein it

appears that the present applicant was saying okay and no problem, the complainant insistingly states that he would give the amount on Monday. To that also, the applicant says no problem and then the complainant says to whom it should be handed over whether it should be handed over to Pravin, the person by name Pravin Gaikwad, who is a private person. That means, everything is in the mouth of present complainant and not from the applicant. Interesting part is that while recording the transcript, even the gestures have been stated. It was not a video recording and, therefore, how the gestures could have been noted in such panchanama is a question.

9. It is also a fact of record that in two matters the letter of authorization was not found in the name of the complainant. In his supplementary statement, the complainant states that out of four vehicles in respect of which he was in need of certificate, on the affidavit of one Santosh Ingole and one Sunil Pawar, his nephew Pathan Asef Akbar has signed and then he says that he himself was then looking after the work of fitness certificate.

10. One more fact that is required to be considered is that in respect of alleged demand made on 15.09.2021, the complaint was lodged by the complainant on 16.09.2021 with the Anti Corruption Bureau. Ultimately, the FIR has been lodged on 20.01.2022, however, there is a

statement of Mohd. Rehman Mohd. Yusuf who is serving as Junior Clerk in R.T.O., Beed. He says that he received the fitness certificate from Senior Clerk Ramesh Somvanshi on 30.09.2021 and it was told to him that the fitness certificates of those four vehicles in respect of whom the complainant was making grievance should be distributed to the concerned persons. He entered the particulars regarding the same on a register and he says that he handed over those certificates to the complainant. Now, the question is that if the complainant had received those documents on 30.09.2021 itself, where was the question of any such incident that would take place on 20.10.2021 i.e. on the day on which the trap was arranged, but failed. That means, even the complainant had not disclosed to the concerned officer of Anti Corruption Bureau that he has already received the fitness certificates in respect of those four vehicles on 30.09.2021 itself. The learned APP has produced that now on 21.10.2024, Government has given sanction to prosecute the applicant. We do not want to go into much details, but certainly the facts appear to have not been assessed by the Government, as aforesaid, before giving such sanction and, therefore, on the point of sanction, there should not be a hurdle.

11. It appears that the complaint and the FIR appears to have been filed with *mala fide* intention and, therefore, as per clause Nos.3, 5 and 7 of paragraph No.105 of the parameters laid down in ***State of Haryana***

and others Vs. Ch. Bhajanlal and others, (Supra), this Court has jurisdiction to quash and set aside the FIR and the proceedings. It would be an abuse of process of law, if the applicant, who is a public servant, is asked to face the trial. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.26 of 2022 dated 20.01.2022 registered with Beed Rural Police Station, District Beed as well as the proceedings in Special Case No.193 of 2024 (Charge-sheet No.19 of 2024 dated 30.10.2024) pending before the learned Special Judge, under Prevention of Corruption Act/District Judge-3 and Additional Sessions Judge, Beed for the offences punishable under Sections 7 and 12 of the Prevention of Corruption Act, stand quashed and set aside as against the present applicant - **Ravikiran Nagnath Bhad.**

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm