



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

9 CRIMINAL APPLICATION NO.305 OF 2023

Imran Rashid Siddiqui,  
Age 34 yrs., Occ. Labour,  
R/o 187-5, Imli Galli,  
Johari Ward, Tq. Paithan,  
Dist. Aurangabad.

... Applicant

... Versus ...

- 1 The State of Maharashtra  
Through Police Station Officer,  
Police Station, Paithan,  
Tq. Paithan, Dist. Aurangabad.
- 2 Amol Shesherao Jadhav,  
Age 34 yrs., Occ. Education,  
R/o Girnera Tanda,  
Tq. & Dist. Aurangabad.

... Respondents

...

Mr. S.R. Chaudhari, Advocate for applicant

Mr. A.D. Wange, APP for respondent No.1

...

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

DATE : 26<sup>th</sup> JUNE, 2025

**ORDER :**    ( PER : SMT. VIBHA KANKANWADI, J. )

1            Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973, initially for quashment of First Information Report vide Crime No.445/2022 dated 10.12.2022 registered with Police Station, Paithan, for the offence punishable under Section 7-A of the Prevention of Corruption Act, 1988 and later on by way of amendment for quashing the charge sheet No.6/2024 i.e. proceedings in Special Case No.82/2024 pending before learned Additional Sessions Judge, Aurangabad.

2            Heard learned Advocate Mr. S.R. Chaudhari for applicant and learned APP Mr. A.D. Wange for applicant No.1. Respondent No.2 though served failed to appear. In order to cut short, it can be said that learned Advocate for applicant and learned APP have argued in support of their respective contentions.

3            Respondent No.2 approached the Anti Corruption Bureau with a complaint that he was in need of certified copies of five documents, which are registered with Sub-Registrar's office at Paithan, Tq. Paithan, Dist. Chhatrapati Sambhajnagar. He met the applicant there and applicant agreed to take certified copies on behalf of complainant. Initially the applicant had demanded amount of Rs.375/- for each document i.e. in all Rs.1,875/- and

amount of Rs.500/- for himself. The complainant felt that applicant was demanding illegal gratification/bribe for himself or for some other person and, therefore, he gave complaint. The Anti Corruption Bureau then arranged for two panchas, took the complaint verification and made arrangements for verification of demand. The voice recorder was given to complainant, which he concealed on his person and went along with panch No.1 to meet applicant on 08.12.2022. At that time, applicant demanded the said amount. When, in fact, the legal fees for certified copy was Rs.225/- for each document, he demanded amount of Rs.2,375/- i.e. amount of Rs.1,875/- + Rs.500/-. It is stated that he had accepted the said amount in presence of panch, but he became suspicious and, therefore, immediately returned the said amount to complainant and under the pretext that he would bring the receipt he went from the back door of Sub-Registrar's office. The offence has been registered under Section 7-A of the Prevention of Corruption Act.

4           Section 7-A of the Prevention of Corruption Act makes a provision that whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a

public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, then such person is liable to be punished. As per Section 2(d) of the Prevention of Corruption Act, where the word “undue advantage” has been defined, it means, any gratification whatever other than legal remuneration and the Explanation ‘A’ gives the explanation to gratification as not to pecuniary gratification or to gratifications estimable in money. Therefore, in order to bring the present case within the ingredients of Section 7-A of the Prevention of Corruption Act, it is now required to be seen, as to whether the facts disclose the same. As per First Information Report and even the statement which appears to have been recorded subsequently also, the complainant had made the application with the office Sub-Registrar, Paithan for getting certified copies of five documents on 02.12.2022. Thereafter, he met applicant in the said office, whereupon applicant told that since the documents are old, it would take time to search and, therefore, he will have to give amount of Rs.375/- per document i.e. total Rs.1,875/- and his charges would be separate. These facts would disclose that without the intervention of applicant complainant had already filed the application for certified copies and thereafter he met present applicant. Complainant states that on that day itself i.e. on 02.12.2022 he felt that applicant was demanding bribe. Still he made the complaint with ACB office in writing on 08.12.2022. He also states

that he came to know that fees which is prescribed by Government for certified copy is Rs.20/- per page. It is not stated in First Information Report or it has not come in anybody's or any other witness's statement that complainant had made inquiry to the person who accepted his application for certified copies as to what would be the estimate of certified copies. Another fact that will have to be considered is that complainant was aware that applicant was not a public servant working in the office of Sub-Registrar, Paithan. Then why complainant should engage the applicant for such work, would be a question ? Now, in the statement complainant also states that applicant is doing private work with Sub-Registrar's office at Paithan. There are statements of two Stamp vendors-cum-Scribe Mr. Mahesh Shrirang Madke and Mr. Satish Kashinath Mule, who are doing the said work since last 20-25 years respectively. They have stated that they know applicant since 13-14 years and they take help of applicant when it comes to the documents which are in Urdu or those are of Nizam era. They say that they are aware that applicant charges for the services which he renders. Certainly private persons cannot do work in the Government offices in the capacity as Agent, but still if they are working, then it would be the matter of administration of the concerned office and they should stop such kind of menace, if it is there. But that does not mean that the charges which such person receives would amount to undue advantage as defined under Section 2(d) of the Prevention

of Corruption. Further, in order to attract Section 7-A of the Prevention of Corruption Act, such act of accepting the amount or attempting to accept the said amount should be for himself or for any other person by undue advantage as motive or reward to induce a public servant. Here, whatever the conversation that was recorded through voice recorder and is forming part of panchnama would reveal that everything was vague as regards involvement of public servant. Even in the First Information Report as well as statement of complainant it is not stated that applicant promised to influence a particular public servant responsible for issuing certified copies to get the certified copies for and on behalf of complainant for some amount.

5            Learned APP points out the conversation i.e. transcript of the recording through voice recorder, wherein it is stated that though he had asked amount of Rs.2,375/- i.e. at the rate of Rs.375/- per document plus Rs.500/-; yet, thereafter he demanded Rs.200/- to Rs.250/- per document and he has stated that rest would be for the signatures those are required to be obtained. This shows that he wanted to influence somebody. Here, we would like to say that the entire conversation cannot be read in piecemeal, but will have to be considered in its entirety. The conversation thereafter went on and it appears that the amount fluctuated and at one point of time informant told him that he would give Rs.50/- and the applicant accepted

that. At the most, it can be said that he was accepting that amount for himself, but it cannot be tagged or for influencing anybody. All the ingredients of Section 7-A of the Prevention of Corruption Act cannot be said to be made out from the entire material i.e. with the charge sheet. Therefore, with this material it would be unjust to ask the applicant to face the trial. Case is made out for quashing First Information Report and the proceedings. Hence, following order.

**ORDER**

- i) Criminal Application stands allowed.
- ii) The proceedings in charge sheet No.6/2024 i.e. Special Case No.82/2024 pending before learned Additional Sessions Judge, Aurangabad arising out of First Information Report vide Crime No.445/2022 dated 10.12.2022 registered with Police Station, Paithan, Tq. Paithan, Dist. Aurangabad for the offence punishable under Section 7-A of the Prevention of Corruption Act, 1988, stands quashed and set aside as against applicant **Imran Rashid Siddiqui**.

( SANJAY A. DESHMUKH, J. )

( SMT. VIBHA KANKANWADI, J. )