



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 205 OF 2025

Vijaykumar W/o. Dnyandev Raut,
Age : 57 years, Occu. : Superintendent,
CGST, Range – I Ahmednagar,
R/o. Sai Siddhi Bunglow, Rahinjmla,
Kedgaon, Tq. & Dist. Ahmednagar.

... Applicant
(Accu. Nos.1 in FIR/Charge Sheet)

Versus

1. The State of Maharashtra,
Through In-charge Police Station Officer,
CBI, ACB Police Station,
District Pune.
2. The Deputy Superintendent of Police,
Anti Corruption Bureau, Pune.
- 2-A. The Inspector of Central Bureau
of Investigation, Anti-Corruption Bureau,
Pune.

... Respondents.

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Mr. Rajendrraa Deshmukh, Senior Counsel a/w Ms. Rakshanda Jaiswal
i/b. Mr. Ramankumar Dodiya, Advocate for Applicant.
Mr. S. A. Gaikwad, APP for Respondent No.2.
Mr. S. S. Panale, Special P.P. for Respondent Nos.1 and 2-A.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 13 NOVEMBER 2025

PRONOUNCED ON : 20 NOVEMBER 2025

JUDGMENT :

1. Revisionist challenges the impugned order dated 30.04.2025
passed by the learned Additional Sessions Judge, Ahmednagar on

Application Exh.5 seeking discharge from the offences punishable under section 7 of the Prevention of Corruption Act and under section 120-B of the Indian Penal Code i.e. by invoking section 227 of the Code of Criminal Procedure.

FACTS GIVING RISE TO INSTANT REVISION ARE AS UNDER

2. One Yash Ashok Bora filed report with Central Bureau of Investigation, Anti Corruption Bureau (CBI-ACB), Pune and contended that, present revisionist and another non applicant Murli Manohar, who are working as Superintendent and Inspector, respectively, in the CGST office at Ahmednagar, demanded bribe of Rs.1,000/- for carrying out physical verification which was required by informant in view of the new business venture alleged to be undertaken by him.

3. Based on above report, CBI-ACB office registered crime for offence punishable under section 7 of P.C. Act and under section 120-B of IPC.

4. Application Exh.5 was thereby preferred before Special Judge/Additional Sessions Judge, Ahmednagar and urging discharge on the ground that there is no material to face or frame charge and thereby prayers for discharge were raised.

5. After hearing, learned tribunal was pleased to reject the application by order dated 30.04.2025, precisely which is challenged here by filing instant revision application.

6. Learned Senior Counsel Shri Deshmukh for revisionist apprised this court about above factual background and would point out that, present applicant is Superintendent of CGST, has been falsely implicated. That, he was arrested in above crime on 04.01.2023. On applying for bail, he was duly released also by order dated 07.01.2023 by learned Judge, Special Court (ACB) & Additional Sessions Judge, Ahmednagar. Thereafter, application for discharge bearing Special Case No.163 of 2023 was filed, but the same came to be rejected, which according to learned Senior Counsel, is without proper consideration and application of mind. That, in-fact, revisionist had never raised any demand. He submitted that, learned trial court has failed to appreciate the complete transcript allegedly relied by prosecution and selective interpretation of part material has been made to implicate the applicant. He further pointed out that, here, even sanction accorded was without proper application of mind, and as such, sanction itself was invalid. That, prosecution has not annexed electronic evidence certificate i.e. certificate under section 65B of the Evidence Act, in support of alleged recording of conversation.

7. He further emphasized that, there was no material in the charge-sheet to show that there was meeting of minds between both accused so as to charge them for offence of criminal conspiracy. He further pointed out that, in absence of credible and reliable material, prosecution has been launched and accused is made to face ordeal of trial. Therefore, applicant had invoked provisions under section 227 of Cr.P.C. seeking discharge. That, the learned trial court was expected to see that there was no prima facie material to make the applicant face trial. It was a fit case for discharge, but because of improper analysis of papers as well as non consideration of settled legal position, he urges that the said order is required to be set aside.

In support of above contentions, learned Senior Counsel seeks reliance on the following rulings :

- (i) *Sanjay S/o. Laxman Kholapurkar v. State of Maharashtra, 2021 All MR (Cri.) 3808;*
- (ii) *Dipakbhai Jagdishchandra Patel v. State of Gujarat and Ors, MANU/SC/0595/2019;*
- (iii) *State Through Central Bureau of Investigation v. Anup Kumar Srivastava, MANU/SC/0955/2017;*
- (iv) *Mohd. Iqbal Ahmed v. State of A. P., AIR 1979 SC 677.*

8. In answer to above, learned Special Public Prosecutor Shri Panale for respondent CBI would point out that there is sufficient and

strong material suggesting demand of bribe. That, there is prompt lodgment of report. He pointed out that, even CBI authorities had carried out verification of demand. Only on due satisfaction about demand being raised, FIR has been entertained. According to him, there is sufficient material for accused to face the trial and it not being a fit case for discharge, he finds no fault in the impugned order and ultimately urges to dismiss the application for want of merits.

In support of his submissions, learned counsel for respondent CBI seeks reliance on the following rulings :

- (i) *Central Bureau of Investigation (CBI) v. Pramila Virendra Kumar Agarwal and Anr., 2019 DGLS(SC) 1284;*
- (ii) *Sajjan Kumar v. Central Bureau of Investigation, (2010) 9 SCC 368;*
- (iii) *Asim Shariff v. National Investigation Agency, (2019) 7 SCC 148;*
- (iv) *State through Deputy Superintendent of Police v. R. Soundirarasu etc. AIR 2022 SC 4218*

9. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered

during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of *State of Bihar v/s Ramesh Singh* (1977) 4 SCC 39; *Union of India v. Prafulla Kumar Samal and Another* (1979) 3 SCC 4, and a decade back in the cases of *Sajjan Kumar v. Central Bureau of Investigation* (2010) 9 SCC 368; *Amit Kapoor v. Ramesh Chander and another* (2012) 9 SCC 460; *State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others.* (2014) 11 SCC 709; *Asim Shariff v. National Investigation Agency* (2019) 7 SCC 148; and *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

10. Here, on going through the record or papers, it is emerging that, a written complaint was received by CBI-ACB Pune at the instance of One Yash Askhok Bora. The written complaint being a short, for easy reference, is reproduced as under :

“A written complaint dated 04.01.2023 has been received from Shri Yash Ashok Bora, R/o. 305, Sai Sona Paradise, Chanakya Chown, Burudgaon Road, Ahmednagar regarding demand of undue advantage of Rs.1,000/- by Shri Vijay Raut, Superintendent and Shri Murli Manohar, Inspector, both of CGST, Range-I, Ahmednagar for processing his GST Registration Application, applied through only GST portal. Since electricity bill submitted by the complainant is in the name of his father, Shri Vijay Raut, Supdt. demanded the undue advantage and directed the complainant to hand over the said amount of Rs.1,000/- to his junior Shri Murli Manohar, Inspector threatening him that if he did not pay the said amount, the verification process of his application for GST registration would not be processed further.

The allegation mentioned in the complaint has been verified in presence of independent witnesses. The verification has disclosed the demand of undue advantage of Rs.1,000/- on part of the aforesaid accused persons in conspiracy with each other.

The aforesaid complaint and its verification prima facie disclose commission of offence punishable under Section 120-B IPC r/w. 7 of the Prevention of Corruption Act, 1988 (as amended in 2018) against Shri Vijay Raut, Superintendent and Shri Murli Manohar, Inspector, both of CGST, Range-I, Ahmednagar. Hence, a Regular Case has been registered and entrusted to Smt. Sheetal Shendge, PI, CBI, ACB, Pune for investigation.

The complaint dated 04.01.2023 and Verification Report

dated 04.01.2023 of the Verification Officer are enclosed herewith.”

11. Learned Special Public Prosecutor for respondent CBI has pointed out that, informant Yash was interested in taking agency of oil and as such, he had applied for GST registration via online portal. That non-applicant, who is subordinate of present applicant namely, Murli Manohar had made telephone call from his mobile. That, informant was called to CGST office and there said Murli Manohar introduced informant to present applicant, who was senior of Manohar and that some objections were raised regarding electricity bill tendered by informant to be standing in the name of his father and that for removing the said objection, present applicant had himself directed informant to pay Rs.1,000/- to subordinate Murli Manohar.

12. It is pointed out that, said conversation and receipt of said call of mobile are duly verified by investigating machinery and as such there is sufficient material.

13. The principle ground for seeking discharge is that there is no material. However, on going through the papers and record before this court, as stated above, both present applicant and non applicant Murli Manohar are named by complainant specifically. Said Manohar is said to be subordinate of present applicant. It is specific case of prosecution is

that he was acting on and at the instance of present applicant, who is his superior. Objections about non availability of certificate under section 65B as well as question of validity of sanction, are not required to be gone into at this stage and said aspects can be dealt at the time of trial itself.

14. At this stage, only this court is expected to see whether court dealing with section 227 of Cr.P.C. is merely expected to ascertain availability of prima facie material or existence of grave suspicion about available material about involvement of question in any crime and only on the basis of the same, the revision application can be decided here, even this court finds availability of sufficient material. Aspect of verification being done prior to FIR, has not been touched or refuted by the learned Senior Counsel.

15. For above reasons, this court does not find any merit in the revision and accordingly proceed to pass the following order :-

ORDER

The revision application stands dismissed.

(ABHAY S. WAGHWASE, J.)