



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 247 OF 2025

Buddhabhushan Sukhadev Dabhade
Age : 33 years, Occu. : Service -
Irrigation Department, Maharashtra
Government,
Address : Flat No.4, Dhamma Heights,
Nashik.

....Applicant

Versus

The State of Maharashtra
(Representative : Deputy Superintendent
of Police, Anti Corruption Division,
Aurangabad.

.....Respondent

.....

Advocate for Applicant : Mr.Buddhabhushan Sukhadev Dabhade
(Party-In-Person) (through VC)

APP for Respondent : Mr.S.A.Gaikwad

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 NOVEMBER, 2025

PRONOUNCED ON : 01 DECEMBER, 2025

JUDGMENT :

1. Present revisionist, who is arraigned as an accused in Special Case no.254 of 2025 on the file of learned Adhoc District Judge-3, Aurangabad, is taking exception to order dated 24-06-2025 passed below application Exhibit 4 by the said learned Judge, whereby his application for discharge stood rejected.

2. Facts in nutshell are that, complainant Rajpal Bhopalat worked as a Clerk in the Galhati Medium Project, Shahapur, Tq.Ambad, District Jalna, and in the same office accused worked as Assistant Engineer. In administrative terms, accused was immediate superior to complainant. According to complainant, in spite of he regular in the work, accused used to question him for not coming to the office and not doing work and even threatened to suspend him. Further according to complainant, accused demanded Rs.5,000/- every month if at all complainant wants to save his job. Complainant, out of fear, transferred amount on PhonePe number of accused time to time. Once complainant pay amount to accused in cash. On 15-12-2022, accused issued show cause notice to complainant alleging negligence in Government duty and further asked complainant to pay Rs.9,000/- to withdraw the notice. On 12-01-2023, complainant transferred Rs.4,000/- via PhonePe to the account of accused, but thereafter, as complainant was not willing to pay bribe, he lodged report with ACB authorities, who carried out investigation, planned and executed trap and arrested accused and on completion of investigation, he was chargesheeted.

3. Accused moved application exh.4 for discharge before learned

trial Court, but the same was rejected and in consequence thereto, present revision has been preferred praying for discharge.

4. Before this court, accused has appeared and put up his case in the capacity as party-in-person and has also placed on record voluminous written submissions, citations as well as reply to the say of learned APP. He being party-in-person, he was patiently heard to his satisfaction.

5. Heard. The sum and substance of his argument, which was comprehended by this Court could be summarized as under :

Initially, revisionist apprised about himself and that he is working as Assistant Engineer in the Irrigation Department, Maharashtra Government and belongs to scheduled caste category. Alleging false implication, he would submit that, there is no material or case against him so as to proceed for trial. According to him very essence of demand, which is *sine qua non*, is patently missing in the entire chargesheet. According to him, aspect of demand is also missing from the demand verification, which is at page 51 to 53. According to him, on the contrary, the material therein reflects some private loan transaction and not demand of illegal gratification or

bribe. On account of absence of demand and its essential ingredients for attracting offence under Section 7 of the Prevention of Corruption Act, he sought reliance on various judgments of Hon'ble Apex Court as well as of this Court and further according to him, in this case *mens rea* was also patently missing.

6. He next submitted that accused had no work with the petitioner or any pending work with him and therefore, there is no question of putting up any demand. According to him, accused was irregular in his work and he availed too many leaves, which was affecting official work and therefore, merely show cause notice was issued and the same was in official capacity. According to him, even otherwise, disciplinary action taking authority for the category of class of post held by complainant was Superintending Engineer and not applicant, who was merely Assistant Engineer and therefore, there is no question of putting up any demand of bribe on account issuing notice. Thus, according to him, when there was no official work, there is no question of putting up demand.

7. Next he would question grant of sanction as according to him, here sanctioning authority had not applied its mind to the material

before according sanction. He questions very authority and power of sanctioning authority to grant sanction, as according to him, he being appointed by Chief Engineer, CADA, in view of Government Resolution (GR) dated 12-02-2013, sanction to prosecute must be granted by Executive Director, however, here Under Secretary, Water Resources Department, has accorded sanction, even when not competent. He tried to invite attention of this court to the said GR as well as circular dated 30-05-2022. Further according to him, in view of various Judgments of Hon'ble Apex Court and this Court, sanctioning authority has to apply its mind, but here there was no indication of independent application of mind.

Therefore, he referred to various rulings of Hon'ble Apex Court including the case of *Nanjappa v. State of Karnataka AIR 2015 SC 3060* as well as decision of this Court in the case of *Sunil Achyutrao Thete v. State of Maharashtra* dated 20-10-2023.

8. It is his further submission that, here, there is an attempt to thrust tainted currency in his pocket and there was no acceptance. According to him, there are no traces of anthracene powder to his hands, so as to accept prosecution case about acceptance.

9. It is also his submission that complaint is full of contradictions as numerous dates for registering complaint are reflected in the chargesheet i.e. in PCR, MCR, thereby raising issue of very credibility of complaint.

10. He pointed out that, here, there was deliberate attempt to apprehend petitioner by drawing plan and it is evident from the very act of investigating machinery arranging panchas 15 days prior to the apprehension. Thus, according to him, there is violation of fairness expected from investigating machinery and trap itself is tainted one.

11. Revisionist took this Court through the extract of conversations between him and complainant and would submit that it is apparent therefrom that whatever reference regarding money is emerging therein, it was towards earlier credits and dues and it does not pertain to any demand or bribe. but according to him, such crucial aspect has not been appreciated by learned trial court while deciding his discharge application.

12. Lastly, he submitted that complainant had personal grudge for issuing office memorandum and show cause notice and therefore, with ill intention, false and fabricated story is narrated about demand

of illegal gratification and further trap was orchestrated with malafied intention and even investigation machinery was not fair and was rather biased.

He also placed reliance on the following rulings :

- (i) *B. Jayaraj v. Stae of Andhra Pradesh, (2014) 13 SCC 55.*
- (ii) *Suraj Mal v. State (Delhi Admin), (1979) 4 SCC 725.*
- (iii) *Neeraj Dutta v. State (Govt. of N.C.T. of Delhi), (2023(18 SCC 251.*

13. In answer to above, learned APP would point out that, accused being a public servant, had allegedly demanded illegal gratification from complaint, who was his subordinate. It is pointed out that for refraining from taking action for remaining absent for longer time, bribe was demanded from complainant. That, said bribe was demanded every month. That, complainant had ultimately approached ACB authorities and had given complaint, which was duly noted and thereafter, it is pointed out that Investigating Officer arranged panchas, introduced them to complainant and necessary instructions were issued. He pointed out that investigating machinery had initially got demand verification done and only on getting convinced that there was demand, trap was planned. Learned

APP pointed out that, voice sample of accused was taken, its panchanama was drawn and transcript of the conversation between complaint and accused was also drawn. That, Investigating Officer has in presence of independent panchas, drawn various panchanamas like demand verification panchanama, voice sample panchanama, spot panchanama etc. and same are part of investigation papers. He pointed out that, conversation text is also part of chargesheet and it is supported by certificate under Section 65B of the Indian Evidence Act. He further pointed out that, after gathering sufficient evidence, due sanction has been obtained from Government. Even he added that, it is not open for accused to question the validity at this stage as it is a matter to be raised at the time of trial. He lastly submitted that, there being sufficient and strong evidence, learned trial Court rightly rejected the application and he urges for similar treatment at the hands of this Court to the present proceedings.

He placed reliance on the following rulings :

- (i) *Padmakar Narhar Deshpande v. Central Bureau of Investigation and Another*, 2024 (3) Bom. C.R. (Cri.) 746.
- (ii) *State Rep. By the Deputy Superintendent of Police, Vigilance and Anti Corruption Chennai, City-I Department v. G.Easwaran*, 2025 LiveLaw (SC) 356.
- (iii) *The Karnataka Lokayuktha Police v. Lakshman Rao Peshve*,

2025 LiveLaw (SC) 941.

(iv) *Padmakar Narhar Deshpande v. Central Bureau of Investigation, Anti-corruption Branch, Pune and Another, 2024 All MR (Cri) 2684.*

14. Here, present revision is an off-shoot of order of rejection of discharge application by revision petitioner, who invoked Section 250 of B.N.S.S. Act, 2023 (old Section 227 of the Cr.P.C.).

Before testing the merits of the arguments and the sustainability of the impugned order, it would be proper to give brief account of the settled legal position to be borne in mind while exercising powers for 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.

15. Perused the chargesheet. Complainant seems to be working as Clerk whereas accused was officiating as Assistant Engineer. The gist of the complaint received by ACB authorities from complainant, in translated form, is as under :

“Complaint

Date: 13/01/2023

I, Rajpal Suppadasing Bhopalat, age 30 years, occupation service, Office Clerk, Gallhati Medium Project, Shahapur Branch, Irrigation Department, Tq. Ambad, Dist. Jalna, Mobile No. 7507938573.

Do hereby personally appear and lodge the following complaint: On 12/01/2023, I had submitted a complaint at the Anti-Corruption Bureau, Aurangabad regarding the demand of bribe being made from me. The details are as under: I have been working as Office Clerk since April 2022 at Gallhati Medium Project, Shahapur Branch, Irrigation Department, Tq. Ambad, Dist. Jalna. Mr. Buddhbhushan Sukhdev Dabhade, Assistant Engineer, Gallhati Medium Project,

Shahapur Branch, Irrigation Department, Tq. Ambad, Dist. Jalna is posted in my office and I work under his control. Even though I attend office regularly and no work is pending on my part, Dabhade Saheb used to tell me, "You do not come to office on time and you do not do any work. I will get you suspended. If you want to save your job, you will have to pay me Rs. 5,000 every month." Being my superior and fearing that he might harm my service, I agreed and, as and when he demanded, transferred money several times from my PhonePe number 7507938573 to his mobile/PhonePe number 9370159011 and also gave cash once. Despite paying him money from time to time as demanded, on 15/12/2022 he issued me an office notice for "negligence in government duty" and "improvement in conduct while performing government duty". Thereafter, Dabhade Saheb personally and over phone told me, "If you want this notice withdrawn, you will have to pay me Rs.9,000." He kept pressing me for the amount. I told him I would pay after my salary was credited. On 11/01/2023 my salary was credited, so he again pressed me and asked me to send the money through PhonePe. Accordingly, on 12/01/2023 at 10:39 a.m., I transferred Rs.4,000 from my PhonePe to his PhonePe number 9370159011. Even after that, Dabhade Saheb kept pressing me for the remaining Rs. 5000/- I told him. I will come and meet you tomorrow morning and give it to you.

I have no desire to pay any bribe to Mr. Dabhade, nor do I have any enmity or any monetary transaction or borrowing/lending with him. Today, 13/01/2023, in the morning I am going to meet Mr. Dabhade. In connection with the remaining Rs.5,000 out of the Rs.9,000 demanded by him for withdrawing the notice issued to me and for not taking any action against me, I will go to the place indicated by him and hold talks. If Mr. Dabhade himself or through anyone else demands and accepts the remaining Rs.5,000 from me, please take legal action against him. I am also submitting screenshots of the amounts transferred earlier through my PhonePe and a photocopy of the notice issued to me. After I lodged the above complaint, I put my signature on it.

In connection with verification of my complaint, Police Inspector Shri Sandeep Rajput called two government panch witnesses on 11/01/2023 at the Anti-Corruption Bureau office, introduced them to me and informed that their names are: 1) Shri Ashok Radhakisan Harne, age 57 years, occupation service, Junior Assistant, Animal Husbandry Department, Zilla Parishad, Aurangabad. 2) Shri Ganesh Fakirchand Darade, age 35 years, occupation service, Peon, Animal Husbandry Department, Zilla Parishad, Aurangabad. I narrated my complaint orally to the panchas. Thereafter, Police Inspector - Shri Rajput gave the typed complaint to the panchas to read. After the panchas read it, Police Inspector - Shri Rajput and the panchas put their signatures on the complaint. Since I am going to meet Dabhade Saheb on 13/01/2023, Police Inspector – Shri. Rajput gave confidentiality instructions to me, the panchas and the trap team and directed us to remain present at the Anti-Corruption Bureau office on the morning of 13/01/2023, and thereafter permitted us to leave.

Thereafter, on 13/01/2023 at around 08:15 a.m., I received a call from Shri Dabhade. We spoke and he told me, "I am at home, come quickly with the money." I told him I would reach in a short while. I immediately informed Police Inspector - Shri Rajput about this and reached the Anti-Corruption Bureau office. Police Inspector - Rajput, the panchas and the trap team were present there. Since Shri Dabhade's house is near Itkheda Chowk, Paithan Road, I proceeded on my motorcycle and the trap team followed in their vehicles. We stopped a little before Kanchanwadi, near Itkheda Chowk. As per instructions, a new memory card was inserted in the voice recorder, it was switched on and placed in the left pocket of my shirt. I took Panch No. 1 Shri Harne with me on my motorcycle, went below Dabhade's building, informed him that I had arrived, and he came downstairs. We

met, discussed work-related matters, and in the presence of the panch he demanded and agreed to accept the bribe amount of Rs.5,000. Thereafter, I returned to the place where the trap team was waiting, the voice recorder was switched off, and we all proceeded to the Anti-Corruption Bureau office, Aurangabad. I narrated the entire sequence to Police Inspector - Rajput. Police Inspector - Rajput and the panchas listened to the conversation recorded in the voice recorder and were also ensure that Shri Dabhade had demanded Rs.5,000. Thereafter, for the purpose of giving the bribe, I produced ten currency notes of Rs.500 denomination, totalling Rs.5,000. A demonstration of the properties of anthranilic (anthracene) powder was given to me and the panchas. The notes produced by me were applied with anthracene powder and kept in the front right pocket of my pant. Thereafter, Police Inspector - Shri Rajput gave detailed instructions to me, the trap team and both panchas regarding the trap operation. After the operation was planned, I again contacted Shri Dabhade. He told me, "Wait on the road going towards Nagar Naka from Baba Petrol Pump Chowk; I will come there shortly and we will meet there." Accordingly, I and Panch No. 1 Shri Harne proceeded on my motorcycle, and the trap team followed. We stopped at a safe spot before Baba Petrol Pump Chowk. As per instructions, Police Constable Gusinge inserted a new memory card in the voice recorder, switched it on and placed it in the left pocket of my shirt. As directed by Police Inspector - Shri Rajput, I took Panch No. 1 Shri Harne with me and reached the road going towards Nagar Naka from Baba Petrol Pump Chowk. Behind us, Police Inspector - Shri Rajput, the trap team and Panch No. 2 Shri Darade took position in such a manner that no one would suspect. After a short while, Shri Dabhade arrived there. After some discussion, he personally accepted the bribe amount of Rs.5,000 from me with his left hand and kept it in the left rear pocket of his pant. Immediately thereafter, at about 12:32 hrs, I gave the pre-arranged signal, upon which Police Inspector - Shri Rajput along with the trap team and Panch No. 2 Shri Darade reached the spot. Police Inspector - Shri Rajput asked Shri Dabhade his name and address, to which he replied: Buddhabhushan Sukhdev Dabhade, age about 31 years, Assistant Engineer, Gallhati Medium Project, Shahapur Branch, Irrigation Department, Tq. Ambad, Dist. Jalna, resident of Flat No. 200, Amrut Sai Gold Star, Golwadi, Aurangabad. The bribe amount of Rs.5,000 accepted by Shri Dabhade was seized in the presence of panchas, and the serial numbers and description of the said notes exactly matched the notes I had produced.

Thus, on 13/01/2023 during the demand verification, Shri Buddhabhushan Sukhdev Dabhade demanded Rs.5,000 as bribe from me in the presence of panchas for withdrawing the notice issued to me and for not taking any action against me. As demanded, on 13/01/2023 at about 12:32 hrs, on the road going towards Nagar Naka from Baba Petrol Pump Chowk, Aurangabad, Shri Dabhade personally accepted the bribe amount of Rs.5,000 from me in the presence of panchas. Therefore, I lodge this complaint against him for legal action."

(As translated by Sr. Translator, High Court, Aurangabad)

16. It seems that after lodgment of complaint, ACB authorities swung into action, summoned panchas, introduced them to complainant and panchas verified the complaint and thereafter, both

complainant as well as pancha were made to go together for verification of demand. Conversation between complainant and accused was got recorded, its transcript as well as panchanama was drawn and thereafter, trap was laid on 13-01-2023 and was said to be successful at 12:32 p.m. i.e. when accused was apprehended in the vicinity of Baba Petrol Pump, Aurangabad i.e. after raising demand and accepting the same.

17. The principal grounds on which discharge is sought are that, there is false implication, there was no demand, due to grudge for issuing show cause notice for remaining absent and not doing work, complaint has been lodged with ulterior motive. That, there are contradictions and variances as regards to date of complaint and that, there is invalid sanction.

Here, on going through the chargesheet, this Court has noticed that after receipt of complaint, ACB authorities has summoned panchas. In presence of panchas, demand verification is shown to be done, its panchanama is on record. Conversation and transcript of the same are also part of chargesheet. This Court has noticed availability of even certificate under Section 65B of the Indian Evidence Act. Final trap panchanama is also drawn and therefore,

prima facie there is sufficient material to proceed against revisionist.

18. As rightly pointed out by learned APP, the aspect of validity of sanction, ground of no scientific evidence, and aspect of actual demand towards earlier dues, are to be dealt and decided at the time of trial. Accused will have opportunity to put up his defence.

19. At this juncture, this Court has sifted the chargesheet with limited purpose to ascertain whether there is sufficiency of material to make revisionist face trial and this Court has found *prima facie* material to make revisionist face trial. Numerous citations of Hon'ble Apex Court and this Court are tried to be taken recourse to, but the same cannot be appreciated at this stage, more particularly, when there is material raising grave suspicion regarding occurrence of alleged offence. Consequently, there being no merits in the revision, the same is required to be dismissed. Hence, following order :

ORDER

Criminal Revision Application stands dismissed.

(ABHAY S. WAGHWASE)
JUDGE