



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 137 OF 2021

Yogesh S/o. Ramakant Khairnar,
Age : 51 years, Occu. : Service,
R/o. Flat No.1, Bldg. No.6,
MSEB Senior Officers Quarter,
Ganeshkhind, Opp. Chaturshrungi Temple,
Senapati Bapat Road, Pune, Dist. Pune. ... Applicant

Versus

The State of Maharashtra,
Through the Police Inspector,
Ambajogai City Police Station,
Ambajogai, Tq. Ambajogai, Dist. Beed. ... Respondent

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Mr. A. R. Devakate, Advocate for Applicant.
Mr. S. A. Gaikwad, APP for Respondent – State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 NOVEMBER 2025

PRONOUNCED ON : 20 NOVEMBER 2025

JUDGMENT :

1. Revisionist questions the judgment and order of learned Special Judge, Ambajogai dated 05.03.2021 passed below Exh.6 in Special Case (ACB) No. 3 of 2017 refusing to discharge revisionist from offence punishable under sections 7, 12, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act (P.C. Act).

2. Learned counsel for revisionist would point out that, there was false implication. According to him, revisionist was in MSEDCL. That, in 2016 his higher authority had constituted a Committee to investigate irregularities at Parali Division and applicant was appointed as a Chairman of the said Committee comprising of other three members. That, the Committee had tendered report resulting into registration of Crime No. 37 of 2016 against four employees.

3. He further submitted that, one Balkrushna Brahmadev Chate filed complaint alleging demand by present revisionist and other members to the tune of Rs.10,00,000/- i.e. for giving clean cheat to the father of complainant. There are also allegations that, for securing anticipatory bail, favourable points were allegedly proposed to be drawn and for that, demand was made. That, based on such complaint, ACB authorities had carried out investigation and had filed charge sheet.

4. According to learned counsel, there is no prima facie material against present applicant suggesting any demand from his side. That, moreover, in view of nature of allegations, there was no work pending with applicant so as to accept the version of demand. He pointed out that, in fact, alleged conversation had taken place in between one Kamble and complainant and applicant was not in picture. Even

currency was said to be found on the back seat of the car and not on the person of applicant. Thus, according to him, apparently there is false implication.

5. He further pointed out that, considering the designation held by the applicant, only Director of Finance is authorized to accord sanction to prosecute. But, here, sanction is accorded by Director of Operation and as such, said sanction is not valid one in the eyes of law. Resultantly, for above reasons, learned counsel urges to allow the revision by setting aside the impugned order. He seeks reliance on the following rulings :

(i) State by Special Police Establishment v. D. Krishna Murthy, 1995 Supp (3) SCC 702;

(ii) Ravindra Mahadeo Kothamkar v. The State of Maharashtra, 2015 SCC OnLine Bom 6558;

(iii) State Through CBI v. Dr. Anup Kumar Srivastava, (2017) 15 SCC 560;

(iv) Dileepbhai Nanubhai Sanghani v. State of Gujarat and Anr., 2025 SCC OnLine SC 441;

6. In answer to above, learned APP would submit that, on receipt of complaint, initially demand verification was done and its panchanama was drawn. He took this court through the panchanama at page 52. He also pointed out that, here, there is acceptance of bribe amount at the instance of present applicant. That, there are traces of

anthracene powder. He pointed out that, there is transcript of demand and as such there is full proof case with prosecution.

He would further submit that, issue of sanction cannot be gone into at this stage and he seeks reliance on the following rulings :

- (i) Padmakar Narhar Deshpande v. Central Bureau of Investigation and Anr. 2024 ALLM.R. (Cri) 2684;*
- (ii) State Rep.by the Dy. Superintendent of Police v. G. Easwaran, 2025 LiveLaw (SC) 356;*
- (iii) The Karnataka Lokayuktha Police v. Lakshman Rao Peshve, 2025 LiveLaw (SC) 941.*

7. Here, revisionist, who is arraigned as accused in above crime for offence under the provisions of P.C. Act, is seeking discharge by invoking section of 227 of Cr.P.C. According to revisionist, there is no material to proceed against him. Firstly, there was no demand; Secondly, there was no work pending with revisionist so as to motivate or to seek any illegal gratification; and thirdly there was invalid sanction.

8. Perused the papers, more particularly the charge sheet. One Balkrushna Brahmadev Chate lodged report with ACB, Beed contending that his father Brahmadev Kerba Chate worked as Upper Division Clerk in MSEDCL Office, Parali. That, one Committee was constituted comprising of four persons including present applicant to detect irregularities at

Parali Sub Division. It is alleged that, one Milind Kambale contacted informant with assurance to help his father in the inquiry and demanded Rs.10,00,000/- on behalf of present applicant and other members. He further reported that, in the inquiry, allegations were made against his father for financial irregularities, resulting into registration of crime at Parali Police Station. On the assurance of helping him in securing bail, it is alleged that, again said Milind Kambale contacted complainant saying that, if amount is paid to Khairnar i.e. present revisionist, favorable and positive report would be issued for securing bail and thereby Rs.2,00,000/- were demanded. Hence, above report, resulting into registration of crime.

9. Before adverting 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, ACB authorities seem to have swung into action and seem to have summoned panchas and introduced them to complainant. That, initially exercise of verification of demand seems to have been undertaken. There is said to be voice recording in the mobile of complainant and panchanama of the alleged conversation is also said to be drawn. It has emerged during investigation that after verification, present applicant had entered a hotel with complainant and panch, wherein detailed discussion had taken place and after coming out of the hotel, it is alleged that, present applicant had raised demand of

Rs.2,00,000/-. Statement of complainant and panch seem to be recorded to that extent. Therefore, with such material on record, it is not open to submit that there is no material in this case to face charge or face trial. As regards to grounds of non-pendency of work and validity of sanction are concerned, the same cannot be gone into at this stage in view of the citations placed on record by learned APP. Resultantly, in the light of above material, no case is made out to entertain the revision. Hence, the following order is passed : -

ORDER

The revision application stands dismissed.

(ABHAY S. WAGHWASE, J.)