

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 633 OF 2024

Kailas Digambar Masal

.... Applicant

Versus

The State of Maharashtra

.... Respondents

Mr. Sanjeev P. Kadam, Senior Advocate a/w Ms. Varsha M. Thorat
Mr. Prashant P. Raul i/by Mr. Ramdas Hake, Advocate for the
Applicant.

Mr. A. S. Shalgaonkar, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th SEPTEMBER, 2025.

P.C. :

1. Heard learned senior counsel for the Applicant and learned
APP for the Respondent – State.

2. Learned senior counsel for the Applicant submits that this
Court (Coram: Sandeep V. Marne, J.) vide order dated 18th July, 2024
had permitted the Applicant to file fresh application for discharge by
raising the issue of applicability of Section 7A of the Prevention of
Corruption Act, 1988 (for short, “PC Act”). Accordingly, the Applicant
filed application before the learned Sessions Court, Solapur for

discharge raising the issue of applicability of Section 7A of the PC Act. The trial Court has passed the impugned order, but has not given reasoning about the applicability of Section 7A of the PC Act.

3. It is contention of learned APP fairly submitted that there is no reasoning given by the learned Sessions Court, Solapur on the applicability of Section 7A of the PC Act, hence requested to pass an appropriate order.

4. Considering the submissions of both learned counsel as well as after perusal of order of this Court (Coram: Sandeep V. Marne, J.) and perusal of the impugned order passed by the learned Sessions Court, Solapur. It appears that, though the issue of Applicability of Section 7A of the PC Act was raised by the learned counsel for the Applicant before the Sessions Court, Solapur while seeking discharge, but learned Sessions Court has not discussed about it in the impugned order. Considering these facts I pass the following order:

ORDER

- i. The application is allowed.
- ii. The matter is remanded back to the learned Session Court, Solapur to rehear the discharge application filed by the Applicant.

- iii. The impugned order dated 22nd November, 2024 passed by the learned Sessions Court is quashed and set aside.
 - iv. The learned Sessions Court shall rehear the discharge application filed by the Applicant and give the reasoning on applicability of Section 7A of the PC Act and the said application shall be decided on its own merit.
 - v. Till the decision of the said application, the charge shall not be framed against the Applicant.
5. The Revision Application stands disposed off.

(SHIVKUMAR DIGE, J.)