IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 474 OF 2026

Gowthaman Ganesan ...Applicant

Versus

Central Bureau of Investigation, Anti-Corruption Branch, Pune ...Respondent

SNEHA NITIN CHAVAN
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Mr. Mandar Bagkar for the Applicant.
Mr. Kuldeep Patil a/w Mr. Anay Joshi for Respondent/CBI.
Mr. Swapnil Pednekar, APP for Respondent/State.

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CORAM : M.M. SATHAYE, J.
DATE : 15th OCTOBER, 2026

P.C. :

1. Heard learned Counsel for the parties. Perused record.

2. The Applicant is an accused, who is challenging the Judgment and order dated 13.08.2026 passed by the Special Judge, CBI-ACB, Pune rejecting the application for discharge below Exh. 16 in Special Case No. 1757 of 2025. The Applicant had applied for discharge from offences punishable under Section 13(2) read with 13(1)(c) of the Prevention of Corruption Act, 1988 and Section 409 of Indian Penal Code, 1860 ('IPC' for short).

3. Case of the complainant is as under. That he had a loan account. That he had entrusted Rs.5 lakh in cash on 02.04.2011 with the Applicant, who was serving as Branch Manager in Bank of Maharashtra at KEM Branch, Solapur for the purpose of

deposit/repayment in the loan account. That he has a bank counterfoil of the said date showing receipt of the cash amount. That the Applicant did not deposit the amount in the loan account and has misappropriated it. On receipt of bank notice in May 2014 about outstanding, Complainant contacted the Applicant, who assured to resolve the issue, but it remained unresolved. That Complainant took up the issue various bank authorities and government, but issue remained unresolved. Due to this problem, he was required to make extra repayment of Rs.5 lakhs for closure of the loan account which he made under protest in February 2021 and therefore, the complaint is filed.

4. Learned counsel for the Applicant submitted as under. That Applicant has retired honourably from the services in June 2021 without any stigma or blot in his service record. That entire case of entrustment is based on a counterfoil which is not corroborated by any independent material or witness. That arrival of complainant and alleged handing over of cash to the Applicant on said date is also not corroborated by any independent witness. That the complaint is filed belatedly in 2025 after 14 years from the incident. That the counterfoil dated 23.12.2011 of Rs.8 lakh showing acknowledgment for payment through cheque is also identical to the alleged counterfoil of 02.04.2011 and therefore, there is every possibility that the Complainant might have obtained initials and stamp of the bank on the alleged counterfoil. That the prosecution is malicious. That the counterfoil dated 02.04.2011 does not reflect tick mark for cash option, creating doubt.

5. On the other hand, learned counsel for the Respondent CBI has supported the impugned order, contending *inter alia* that *prima facie* case is made out on the basis of material available and therefore,

discharge application is rightly rejected.

6. Having heard learned counsel for the parties, having considered rival submissions and on perusal of the impugned order as well as other record shown by the learned counsel for the parties, in my view, this is not a fit case for interference in limited revisional jurisdiction, considering limited scope of discharge application. Reasons are as follows :

(i) The counterfoil dated 02.04.2011 showing deposit of Rs.5 lakh in the account of complainant's wife is already on record.

(ii) Said counterfoil was sent for examination by handwriting expert who has sent a report showing that signature (initial) on the counterfoil matches with the specimen signature of the Applicant/accused.

(iii) On the basis of this material, the learned Judge has found that there is *prima facie* material to support entrustment.

(iv) So far as delay in filing the complaint is concerned, from perusal of the complaint and statement of Complainant recorded, it is seen that the complainant was required to pay additional amount of Rs.5 lakh, which he paid under protest because due to inaction of bank and non resolution of the matter. It is stated that his CIBIL score was worsening and account had slipped into non NPA, due to which, he was not able to apply for loan from bank and therefore, he had to pay Rs.5 lakh under protest finally in 2021. Therefore *prima facie,* delay is not as long as alleged.

(v) In **Union of India v/s. Prafulla Kumar Samal and Anr. (1979) 3 SCC 4,** the Hon'ble Supreme Court has clarified that at the stage of considering discharge application, it is not necessary for the Court to enter into pros and cons of the matter or weighing and balancing of evidence. It is clarified at the stage of discharge, the Judge is required

to sift the evidence in order to find that whether there is sufficient ground for proceeding against the accused.

(vi) In **State of Tamilnadu V/s. N. Suresh Rajan and Ors. (2014) 11 SCC 709,** while considering the scope of discharge application, the Honb'le Supreme Court has clarified that at that stage, the Court has to proceed with an assumption that material brought on record by the prosecution is true and evaluate the same with a view to find out whether the facts emerging at their face value disclose existence of ingredients of the alleged offence. It is clarified that Court is not expected to go deep into the matter.

(vii) In **State of Rajasthan v/s. Ashok Kumar Kashyap (2021) 11 SCC 191**, the Hon'ble Supreme Court has clarified that at the stage of framing of charge or considering discharge application mini trial is not permitted.

(viii) It is equally settled that in the revisional jurisdiction, which is invoked presently, this Court cannot go beyond the scope of application under consideration. In **State of Gujarat v/s. Dilipsinh Kishorsinh Rao. (2023) 17 SCC 688**, the Hon'ble Supreme Court has held that the revisional Court cannot sit in appeal and start appreciating the evidence and the High Courts ought to be cognizant of the fact that the trial court was dealing with an application for discharge.

7. The arguments advanced on behalf of the Applicant are in the realm of appreciation of evidence about whether the alleged offence is proved beyond reasonable doubt or not. That stage has not come.

8. In that view of the matter, no fault can be found with the impugned order rejecting discharge application. **The Revision application is accordingly dismissed**.

9. Needless to clarify that observations in the impugned order and this order, shall not prejudice the Applicant, and the case shall be decided on its own merits in accordance with law.

(M.M. SATHAYE, J.)