Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1688 OF 2024

Mahadeo Bajirao Giri .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

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- Mr. Abhishek R. Avachat a/w Mr. Indrajeet Jagdale, Mr. Sushant Jadhav & Mr. Siddhant Deshpande i/by Mr. Dhananjay K. Bhosale, Advocates for Applicant
- Mr. Sukanta A. Karmakar, APP for State
- Mr. Ashok Gawari, Police Inspector, ACB, Pune

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 9, 2026

P. C.:

1. Heard Mr. Avachat, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Present Application seeks quashing of FIR bearing No. 304 of 2002 registered with Sangvi Police Station, Pune and further proceedings in the form of chargesheet bearing Spl. Case No. 418 of 2024 arising out of the said FIR for the offences punishable under the provisions of Sections 7, 7a read with Section 13(1)(d) and Section 12 of the Prevention of Corruption Act, 1988 read with Section 120-B of IPC.

3. There are three accused persons in the present crime. Accused No. 1 is the Asstt. Superintendent, District General Hospital, Aundh;

accused No. 2 is the Civil Surgeon, District General Hospital, Aundh and accused No. 3 is the present Applicant before me who is working as an Administrative Officer in the District General Hospital, Aundh.

4. Complainant is the Marketing Executive at Image Sense Diagnostic Centre at Shikrapur which is falling within the jurisdiction of the District General Hospital, Aundh and had made an Application dated 11.05.2022 seeking renewal of the license of the Diagnostic Centre namely for Sonography Centre license to accused No. 1. Since the said renewal was not granted, the Complainant met accused No. 1 who demanded an amount of Rs. 40,000 as bribe for issuing the license.

5. The Complainant approached the Anti-Corruption Bureau (ACB) who laid a trap and on the given date that is on 06.07.2022, the Complainant approached accused No. 1 and the said accused No. 1 was caught red-handed accepting the bribe of Rs. 12,000 from the Complainant by the officers of the ACB. Panchnama was done and the present case was filed. However, at the time of accepting the said amount of Rs. 12,000, rather before accepting the same, accused No. 1 made a phone call to Accused Nos. 2 & 3. The transcript of the phone call between accused No. 1 and accused No. 3 is appended at page Nos. 115 & 116 of Application. Said transcript is the part of

panchnama which is part of the chargesheet and placed before the Court.

6. Mr. Avachat has persuaded me to consider the said transcript for seeking exoneration of the present Applicant who is arraigned as accused No. 3. He would submit that by virtue of the said transcript, it is not established that accused No. 3 i.e the Applicant is in any way involved in getting any share in the alleged bribe amount which is forming part of the conversation between accused No. 1 and accused No. 3. *Prima facie*, Mr. Avachat is incorrect when he states so. The transcript between accused No. 1 and accused No. 3 clearly hinges on the bribe amount of Rs. 40,000 though the word 'thousand' is not mentioned while having a conversation by the parties. The conversation is in Marathi language. It is unambiguous and clear. The repeatedness with which the figures are mentioned in the transcript three times consecutively itself *prima facie* shows the complicity of the Applicant in the crime. What is more crucial is that the Applicant by repeatedly seeking not to answer or avoiding the question with regard to the bribe amount brought by the Complainant is repeatedly trying to avoid conversation regarding the amount but unsuccessful. However, ultimately on realizing that the accused No. 1 desires an answer whether to accept part of the bribe amount brought by the Complainant, the Applicant immediately tells him that he will now call

him on WhatsApp which *prima facie* shows his complicity in the crime, since WhatsApp phone call is encrypted and transcript of any conversation therein on a call cannot be engrossed.

7. Though Mr. Avachat would persuade me to look at the transcript of the next call also, I do not think it is necessary for me to go into that aspect for determining the present Application of the Applicant seeking quashing of the FIR against him. The complicity, conspiracy and involvement of the Applicant is *prima facie* seen and evident from the answers which he gives and the transcript which is placed before the Court. The name of the Diagnostic Centre is clearly stated. Acknowledgment by Applicant - accused No. 3 is specifically given. The discussion about Rs. 40,000 (though word 'thousand' is not mentioned) is clearly evident and acknowledged by the Applicant.

8. Further when the Applicant is informed about the Complainant bringing 50% of the aforesaid amount on three occasions repeatedly, the Applicant attempts to ward off the conversation and tells him to talk tomorrow without committing anything but on being informed that the Complainant is standing outside the Chamber of the accused No. 1 at the very moment with part of the amount immediately the Applicant informs him that within one minute he will make a WhatsApp call. This itself shows clear complicity and conspiracy for

receiving the bribe amount which does not enure to the benefit of the Applicant.

9. Mr. Avachat would persuade me to consider that the indictment of the Applicant is merely on the basis of the statement of co-accused. Unfortunately, such a submission is not available to the Applicant before me. It is not the co-accused statement but the specific transcript of conversation between the two accused persons where a clear acknowledgment is given by the Applicant which is in place and therefore the said transcript statement of the conversation which has been placed before me at page Nos. 115 and 116 is on a much higher footing than a mere confessional statement of the co-accused person. None of the decisions which are relied upon by Mr. Avachat would come to the aid of the Applicant since the complicity of the Applicant in the present crime is not only *prima facie* proved on the basis of the transcript but the fact that he is proximate to the issue in question and working as an Administrative Officer in the same department where the renewal of license is required to be done and that itself shows that he was involved in the conspiracy to receive the bribe. Hence, reliance on the decisions in the case of ***Karan Talwer v. State of Tamil Nadu***[1]; ***Suresh Budharmal Kalani alias Pappu Kalani v. State of***

1 2024 SCC OnLine SC 3803

Maharashtra[2] and ***Dhruv Dalip Tahil v. State of Maharashtra***[3] by Mr. Avachat cannot be made applicable to the facts of the present case.

10. This is a case where the Court cannot allow exoneration and quashing of a charge sheet as the *prima facie* involvement of the Applicant is clearly revealed on the basis of his own conversation with the co-accused person. Once that is the position, the offence calls for adjudication and trial. In that view of the matter, Application stands dismissed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR
Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.09 21:12:57 +0530

2 (1998) 7 SCC 337

3 Order dated 09.06.2025 passed in Criminal Revision Application No. 183 of 2024