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**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE,
GANDHIDHAM -KACHCHH.**

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ACB CASE NO. 4 OF 2016

ORDER BELOW APPLICATION EXH: 29

1. That the present discharge application is filed by the accused under the provisions of Section 227 of the Cr. P. C. on the ground that the accused has never demanded money from the complainant. The accused is not a Government Servant and he has no authority for payment of order and issue cheque. So, he is entitled for discharge from this case.
2. The prosecution argued that the the present discharge application filed by the accused is not tenable before this Court because there is a clear prima facie against the accused. He has been receiving salary from the Government Department. So, he is Government Employee. He has been working as an Engineer in National Highway Authority, so he is responsible for the supervise work. That at the time of trap, the trap money was accepted by the accused and also recovered from the accused. So, the accused is not entitled for discharge from this case.
3. Looking to the records of the present case, there is a prima facie case against the accused. So, the present application for discharge filed by the accused is not tenable and therefore the present

application deserves to be rejected and accordingly passes final order, as under :

ORDER

- (1) That the present application for discharge U/s. 227 of the Cr. P. C. filed by the accused, is hereby rejected.

Pronounced in the open Court today this 20th Day of November, 2019.

Sd/-

(**Jagdishkumar Mulrajbhai Brahbhatt**)

CODE : GJ-00622

5th Additional Sessions Judge,
Gandhidham, @ Kachchh.

Dt. 20/11/2019
GANDHIDHAM.