

Order below exh.7 in Spl. Case (ACB) No. 10/2017
CNR MHAk01-001669-2017
State vrs. Madan

1] The accused has prayed for discharge from the alleged offence u/s 7 (d), 13 (1) (d) r/w 13 (2) of The Prevention of Corruption Act, 1988 on the grounds that the complaint lodged is false, that no work of the complainant was pending with the accused at the time of the commission of the alleged offence, that the case does not involve any independent witness, that there is no material about demand and acceptance of bribe etc.

2] The application has been resisted on the grounds that the prosecution case has enough evidence, to support the allegations levelled against the applicant, that there is demand and acceptance of bribe by the accused, that the prosecution case has enough material, to base conviction of the applicant accused etc.

3] Heard both the sides. The documents filed alongwith the charge-sheet contain the verification memorandum, the pre-trap as well as trap memoranda. The material also contains audio recording. It appears that there is enough material on record to show that the applicant accused demanded bribe and that he was also caught red handed while accepting bribe. There are voice samples on record which have been sent for experts' opinion for the purpose of their comparison with the voice recordings during the trap. The charge-sheet has material in the form of witnesses' statements as well as various

memoranda, showing that the applicant used to handle the work for which he demanded bribe. The verification as well as trap memorandum have been duly attested by independent witnesses. The competent authority has issued a sanction order, for prosecution of the applicant accused. Moreover, as per the ld. APP, the IO has thoroughly investigated the matter and only upon ensuring sufficient material in respect of demand as well as acceptance of bribe, has filed a charge-sheet against the applicant. The charge-sheet and the record filed alongwith it, in my opinion, make a sufficient ground for presuming that the applicant (accused) has committed offence as alleged in the charge-sheet. On the other hand, the defence raised by the applicant can not be considered at this stage. The material available on record, if translated into evidence during trial, can form a basis of conviction of the applicant. The application for discharge, being devoid of merit, hereby stands rejected.

Dt. 10.05.2023.

(Vivek B. Gavhane)
Addl. Sessions Judge, Akola.

Certificate

I hereby certify that the contents of this PDF
File are same word for word as per original order.

Name of Steno : A.J. Dharamkar.

Court's name : Dist. Judge- 4 & ASJ, Akola.

Date of dictation : 10.05.2023.

Signed by Presiding
Officer on : 16.06.2023.

Uploaded on : 20.06.2023.