


MHAK010020512015	Presented on	:	18.09.2015.
	Registered on	:	18.09.2015.
	Decided on	:	06.05.2026
	Duration	:	10Y 7M 18D

<u>THE COURT OF SESSIONS AT AKOLA.</u>	
Present : Adwait D. Kshirsagar, Special Judge, ACB	
<u>SPECIAL CASE ACB NO. 19/2015.</u>	
(Part - A) Exh.	
[Para 44 (i) of Chapter VI of Criminal Manual]	
	CRIME NO. : 3100/2012. P.S. City Kotwali, Akola Tq. Dist. Akola.
COMPLAINANT	State of Maharashtra
REPRESENTED BY	Ld. Spl. P.P. Shri. R.M. Akotkar
ACCUSED	Prashant Sukhdevrao Bule Age : 38 Years, Occ. : Service, R/o : Bhagirath Nagar, Gudadi, Tq. Dist. Akola.
REPRESENTED BY	Ld. Adv. Shri. P.D. Hatekar.

Part 'B'

[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of Offence	01.12.2012
Date of F.I.R.	12.12.2012
Date of Charge-sheet	18.09.2015
Date of framing of Charges	19.03.2019.
Date of commencement of evidence	10.01.2022
Date on which Judgment is reserved	06.05.2026
Date of the Judgment	06.05.2026
Date of Sentencing Order, if any	-----

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Acquit or convict	Sentence imposed	Period of Detention undergone during trial S.428 Cr.P.C.
A1	Prashant Sukhdevrao Bule	--	18.01.2016	S.12 of Prevention of Corruption Act, 1988.	Acquit	--	-----

JUDGMENT

(Delivered on this 06th May, 2026)

Accused Prashant Bule is facing trial for the offence punishable under Sections 12 of the Prevention of Corruption Act, 1988 for abetment.

2) In nutshell the prosecution case is as under :-

On 04.12.2012 de facto complainant Shrikant Fale lodged complaint with Anti Corruption Bureau, Akola. On 01.12.2012, he received phone call of his friend Amit Metkar asking the complainant to go to him with his pen drive. When he went there Wasim Sheikh and Pravin Ingle both police personnel were present with Abdul Wasim checking pen drive in the laptop of Amit. There were some photographs of Amit's girl friend Varshita Mane. The police took away Amit as well as his laptop and pendrive of the complainant. They took his cell phone number and said that he would be required to visit police station for enquiry. The police provided one cell phone number 9922503123 for communication.

3) Complainant gave intimation to his friend Sandip Ramchaware. Therefore, Sandip made phone call to Wasim and as per his instructions both went to Women Complaint Redressal Cell in the office of Superintendent of Police, Akola. There Police officer Naina Pohekar was present with Wasim and Pravin. Complainant was informed that Varshita lodged complaint against Amit and name of complainant was also transpired. At about 11-00 PM, Naina Pohekar called complainant and Sandip in her office. She informed that they two were to be made accused. She demanded Rs. 1,00,000/- each from both of them as well as Amit to clean up the matter. When they expressed inability, Naina Pohekar threatened that they would go in jail and they would be defamed in entire State. Thereafter, Naina Pohekar demanded Rs. 50,000/- immediately and Rs. 1,00,000/- in parts by writing figures on the paper. Amit and Sandip asked complainant Shrikant to make arrangements.

4) Complainant went home and took Rs. 30,000/- to deliver the same to Naina Pohekar. Thereafter she asked him to deposit Rs. 20,000/- with present accused Prashant Bule. After some time Prashant Bule and Prakash Gaund came to the office. Then they went with the complainant to ATM, SBI Main Branch, Akola. Complainant withdrew Rs. 20,000/- from ATM and gave the amount to accused Prashant. Then they met Naina Pohekar. She called them in the morning.

5) On 02.12.2012 complainant Amit and Sandip went to the office of Naina Pohekar. In the afternoon Amit's mother

and sister came to the office and met Naina. Thereafter they took complainant and others to Bhagat Jewellers. Amit's mother pledged golden chain for Rs. 30,000/- and added amount of Rs. 10,000/- in it. Amount of Rs. 40,000/- was given to Pravin. Naina Pohekar asked the complainant to arrange remaining amount of Rs. 60,000/- and thereafter to take away his pen-drive as well as laptop and cellphone of Amit. Thereafter again complainant met Naina and demanded his pen drive. She wrote figures of Rs. 30,000/- on paper and demanded the same. As the complainant did not wish to give that amount to Naina Pohekar, he approached the ACB Office with the amount. In these circumstances complaint was registered.

6) Two panchas were called. Pre-verification of the complaint was carried. Verification panchanama as to demand was carried. In verification panchanama Naina Pohekar admitted acceptance of Rs. 50,000/- through accused Prashant Bule. Subsequently, trap could not be laid. Hence, Dy.S.P. S.C. Kankal of ACB, Akola lodged FIR. Crime was registered at City Kotwali Police Station Akola at Crime No. 3100/2012. Dy.S.P. Kankal carried out investigation. After completion of investigation Dy.S.P. U.K. Jadhav filed charge-sheet in the Court.

7) Out of original four accused persons, Smt. Naina Pohekar, Wasimoddin and Pravin Ingle were police personnel. Present accused Prashant Bule acted as agent of main accused Naina Pohekar. All the accused except Prashant Bule filed two

applications Exh. 21 and Exh. 26 seeking discharge from prosecution. After hearing both sides, my Ld. Predecessor R.G. Waghmare by common order dated 15.06.2017 discharged all three accused persons for want of sanction for prosecution. It is an admitted fact that sanction for prosecution is a condition precedent. The order of discharge has attained finality. Therefore, present accused Prashant remains as the sole accused in the case.

8) My Ld. Predecessor N.G. Shukla has framed charge against the accused at Exh. 46. He has pleaded not guilty and has prayed for trial. In order to prove it's case prosecution has examined complainant, informant and IO. It has relied upon the documents mentioned in the appendix. The defence has not disputed some documents. Prosecution has closed evidence vide pursis Exh. 136.

9) The statement of the accused has been recorded under section 313 of Cr.P.C. The defence of the accused is that of total denial and false implication. It is his contention that he didn't help the complainant in his matter so the complainant falsely implicated him. The accused has not led oral or documentary evidence in support of his defence.

10) Heard both sides. Following points arise for my consideration. I have recorded my findings thereon for reasons :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
(1)	Whether the prosecution proves that on 01/12/2012 Smt. Naina Shekhar	

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
	Pohekar (discharged accused No. 2) demanded an amount of Rs. 3,00,000/- as gratification, other than legal remuneration and on same day accused Prashant accepted Rs. 20,000/- for Smt. Naina Pohekar as bribe amount from complainant Shrikant Shravan Fale by abusing position as public servant?	No.
(2)	What order ?	Accused is acquitted.

REASONS

Arguments :-

11) Learned Spl. P.P. Shri. R.M. Akotkar has submitted that prosecution has examined material witnesses complainant as well as the informant who is also the IO. There is ample evidence on record to show that the accused acted as agent of Smt. Pohekar. He accepted the bribe amount on her behalf. Hence, offence of abetment is proved by the prosecution. He has urged to convict the accused.

12) Ld. advocate for the accused Shri. Hatekar has submitted that when main accused persons are discharged, the charge against the abettor cannot sustain. No work of the complainant is pending with the accused. There is nothing to show nexus between him and police personnel. The complainant could have challenged discharge order. When the discharge of

three police persons has become final nothing remains in this case which can prove the accused guilty. He has urged to acquit the accused.

As to Point No. 1 :-

13) First of all, it is to be kept in mind that surviving accused Prashant Bule is not police personnel. Neither the prosecution has come up with such case nor it has led evidence to that effect. Basically, the case is initially demand of Rs. 3,00,000/- and subsequent demand after negotiations of Rs. 1,50,000/- by discharged accused and then police officer Smt. Naina Pohekar. Remaining discharged accused Wasim and Pravin were also police staff members and her associates. Entry of present accused Prashant in this story is from the point of giving Rs. 30,000/- to Naina by the complainant. At that time, she demanded Rs. 20,000/- more and asked the complainant to pay the same to accused Prashant. Thereafter, Prashant and one more person accompanied the complainant to ATM. Complainant took out Rs. 20,000/- from ATM and gave the same to Prashant. Second incident is giving Rs. 40,000/-to accused Prashant at the instance of Smt. Pohekar on next day when mother of Amit Metkar leased her golden ornaments to the jeweller in lieu of Rs. 30,000/-. Thus, basically, it is the allegation that accused Prashant acted as an agent of Pohekar on two occasions and accepted Rs. 60,000/- in total on two successive dates. Here one has to keep in mind that prosecution case is regarding acceptance of Rs. 20,000/- only. Complainant Shrikant in his evidence added

case of giving Rs. 40,000/- to him instead of other accused.

14) PW-1 complainant Shrikant Fale has deposed regarding two basic allegations against the accused. Rest of the evidence is pertaining to acts of Naina and other accused persons who are already discharged. Hence, that evidence need not be dealt with in detail. Complainant has proved his complaint [Exh. 65]. Complainant has made material deviation from his complaint while deposing before the Court. As per compliant [Exh. 65] on 02.12.2012 amount of Rs. 40,000/- was paid to discharged accused Pravin. However, during the evidence complainant has attributed this acceptance to present accused Prashant. In cross-examination, PW-2 Shrikant has admitted that it is not mentioned in the complaint that amount of Rs. 40,000/- was given to accused Prashant. The witness has made improvement about giving Rs. 40,000/- to accused Prashant instead of accused Pravin. Thus, the evidence of giving Rs. 40,000/- to accused Prashant is shaky and contradictory. That can not be relied.

15) PW-1 Shrikant has admitted in cross-examination that accused Prashant was not present when Naina Pohekar asked him to give Rs.20,000/- to Prashant. In fact, his examination in chief shows that Naina asked him to give the amount to Prashant. Thereafter, two persons came to her office and she introduced them to the complainant. One of them was Prashant Bule and other was Prakash Gaund. Complainant has deposed that he withdrew Rs. 20,000/- in two lots of Rs. 10,000/- from the ATM

machine of State Bank of India situated at Tower Chowk Branch and the amount was paid to Prashant Bule. The complainant has not disclosed the place where he paid the amount to the accused. It can be gathered from his evidence that the amount might have been given at the ATM. But the witness has failed to state it clearly. Thereafter, the complainant went to the office of Pohekar, but there is no talk or confirmation of giving Rs. 20,000/- to the accused as per her direction.

16) There is no eye witness to the act of giving Rs. 20,000/- to accused Prashant Bule by the complainant. Prosecution has submitted photocopy of the ATM statement of complainant. It is marked Article 'A'. However, it has not been proved in evidence. Prosecution should have called bank statement and should have examined bank official to prove withdrawal of Rs. 20,000/- at the relevant time in ATM transaction. If there is no satisfactory evidence as to withdrawal of Rs. 20,000/- by the complainant, needless to say that handing over the amount to the accused becomes doubtful.

17) The evidence of PW-1 Shrikant shows that after he approached Anti Corruption Bureau and gave complaint he was sent to Pohekar for laying trap. During conversation, she had suspicion. She snatched cell phone of the complainant and digital voice recorder. Somehow complainant sent SMS "मी फसलो" to Dy.S.P. ACB, Akola. Complainant was searched by Wasimoddin. Smt. Pohekar enquired with panch No. 1 and then took the complainant to S.P. Office. During that period Dy. S.P. Kankal

appeared and intervened. He obtained cellphone of complainant and gave it to him. He collected digital voice recorder snatched by Pohekar. So no trap could be laid against Smt. Pohekar. On this backdrop, evidence on record requires to be assessed.

18) Defence has not disputed many documents submitted by the prosecution. Those include,

- I. Exh. 89 seizure memo as to seizure of documents from Pohekar regarding complaint lodged by Varshita Mane,
- II. Exh. 90 pre verification panchanama,
- III. Exh. 91 verification panchanama,
- IV. Exh. 98 letter seeking panch witnesses,
- V. Exh. 99 order passed by the authority of Dr. Pajabrao Deshmukh Krushi Vidyapeeth, Akola providing panch,
- VI. Exh. 100 letter issued by investigating officer regarding releasing panch,
- VII. Exh. 101 letter seeking woman panch,
- VIII. Exh. 102 order of Tahsildar, Akola providing woman panch,
- IX. Exh. 103 letter by investigating officer seeking two women LPC by Civil Lines Police Station,
- X. Exh. 105 release letter of woman panch,
- XI. Exh. 106 duty pass issued to LPC by Civil Lines Police Station,
- XII. Exh. 107 letter issued by investigating officer releasing

LPC,

- XIII. Exh. 108 letter by first informant to City Kotwali Police Station for registration of FIR.
- XIV. Many other documents regarding other accused persons,
- XV. Exh. 126 Letter of addition of offence under section 12 of PCA,
- XVI. Exh. 130 Letter regarding adding accused Prashant Bule,
- XVII. Exh. 131 Letter issued by investigating officer to SDO, Balapur seeking service details of accused Prashant.
- XVIII. Exh. 132 service documents of accused Prashant,
- XIX. Exh. 133 notice issued by SDO, Balapur to accused Prashant seeking first appointment order.

Most of the documents are pertaining to three discharged accused persons and those provide no incriminating evidence against present accused. Hence, though the documents are admitted in evidence those are not helpful to the prosecution to prove its case against accused Prashant.

19) PW-2 Shrikant Kankal is the first informant and investigating officer. He lodged FIR. He has proved FIR Exh. 96 and printed FIR 97. He carried almost entire investigation. His successor U.K. Jadhav submitted charge-sheet only. In cross-examination, Kankal has admitted that FIR does not contain name of Prashant. He was added as an accused during investigation. This is very surprising since the complaint contains name of accused Prashant Bule. So initial action of

Kankal shows that either he did not find part of accused in any offence or the investigation including lodging of FIR by Kankal is faulty. Kankal has deposed that accused was arraigned during the investigation. It is not clear at which point the investigating officer realized that the accused had role in the offence and he needs to be arraigned. It appears that investigating officer was acting as per his sweet will and decided to add the accused in the offence. He has deposed that he got Prashant identified from the complainant . Test identification parade was not conducted.

20) Prosecution has been unable to satisfactorily prove giving of Rs. 20,000/- to accused Prashant by complainant. Investigating officer initially did not think that accused Prashant had nexus with the offence. He was added subsequently, but without any proper explanation about his addition. When main accused are discharged, it is difficult to accept criminal liability of the accused as an agent. No doubt, offence under section 12 of PCA becomes complete even though main offence is not completed. However, here the situation is some what different. Sanction was not accorded in respect of three police persons. Thus, the sanctioning authority did not find prima facie material to prosecute them. On that background, all of them came to be discharged. Present accused who was working as Talathi had no work with him in respect of complaint. Prosecution has been unable to prove nexus between the accused Prashant and discharged accused Smt. Pohekar for whom he allegedly acted as an agent. As I have already mentioned there is no satisfactory evidence as to giving Rs. 20,000/- to accused by the complainant.

When accused Pohekar is already discharged, it is not possible to prove that accused Prashant accepted Rs. 20,000/- at her instance. Consequently, the evidence on record is not sufficient to hold that accused worked as an agent of Pohekar and acted as an abettor. Prosecution has failed to establish beyond reasonable doubt that accused is guilty of offence punishable under section 12 of Prevention of Corruption Act. Accordingly, I have answered point No. 1 in the negative.

As to point No. 2:-

21) As the prosecution has failed to establish its case beyond reasonable doubt, accused is entitled to be acquitted. In the event, I pass following order.

ORDER

1. Accused Prashant Sukhdevrao Bule is hereby acquitted of the offence punishable under Section 11 r/w of the Prevention of Corruption Act, 1988, as per Section 235(1) of the Code of Criminal Procedure, 1973.
2. Bail bonds of the accused are cancelled.
3. Accused shall furnish PB and SB of Rs. 15,000/- in compliance of Section 437-A of Code of Criminal Procedure, 1973.

Date : 06.05.2026.

(A. D. Kshirsagar)
Special Judge (ACB), Akola

APPENDIX

[Para 44 (iii) of Chapter VI of Criminal Manual]

**LIST OF PROSECUTION / DEFENCE / COURT
WITNESSES**

A. Prosecution :-

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
PW1/Ex.64	Shrikant Shrawant Fale	Complainant.
PW2/Ex.95	Shrikant Chandrakant Kankal	Investigating Officer.

B. Defence witnesses, if any :-

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
Nil.		

C. Court witnesses, if any :-

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u>
Nil.		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :-

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
1	Exhibit-65 (PW-1)	Complaint.
2	Exhibit-96 (PW-2)	FIR.
3	Exhibit-97 (PW-2)	Printed FIR.

B. Defence [Admitted] :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
1	Exhibit- 98	Letter by Dy.S.P. ACB, Akola to Vice Chancellor of PDKV, Akola, seeking panch witnesses.
2	Exhibit- 99	Order passed by the authority of Dr. Pajabrao Deshmukh Krushi Vidyapeeth, Akola providing panch,
3	Exhibit- 100	Letter issued by investigating officer regarding releasing panch,
4	Exhibit- 101	Letter seeking women panch,
5	Exhibit- 102	Order of Tahsildar, Akola providing women panch,
6	Exhibit- 103	Letter by investigating officer seeking two women LPC by Civil Lines Police Station.
7	Exhibit- 104	Duty Pass.
8	Exhibit- 105	Release letter of women panch,
9	Exhibit- 106	Duty pass.
10	Exhibit- 107	Letter issued by investigating officer releasing LPC.
11	Exhibit- 108	Letter by first informant to City Kotwali Police Station for registration of FIR against Naina Pohekar.
12	Exhibit- 109	Letter forwarded to medical officer, GMCH, Akola for

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
		physical examination of Naina Pohekar and giving opinion.
13	Exhibit- 110	Medical report of Naina Pohekar.
14	Exhibit- 111	Arrest panchanama of accused Naina.
15	Exhibit- 112	Letter to PI, PS City Kotwali for security of accused.
16	Exhibit- 113	Letter to Superintendent of Akola informing registration of crime against Naina Pohekar.
17	Exhibit- 114	Letter to Superintendent of Akola for getting information and extract in investigation.
18	Exhibit-115	Letter by Superintendent of Akola to Dy.S.P. ACB, Akola for providing information and extract in investigation.
19	Exhibit- 116	Letter to Tahsildar Akola for drawing map of the spot of incident.
20	Exhibit- 117	Letter to Dy.S.P. ACB, Akola providing map of the spot of incident.
21	Exhibit-118	Panchanama of playing audio CD.
22	Exhibit-119	House search order under section 166 of Cr.P.C.
23	Exhibit-120	Letter to Manager of SBI

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
		about sealing of locker of Smt. Pohekar.
24	Exhibit-121	Notice issued to Smt. Pohekar about getting her voice sample.
25	Exhibit-122	Letter to ACB, Mumbai about voice sample of Smt. Pohekar.
26	Exhibit-123	Letter to PDKV, Akola for providing panchas.
27	Exhibit-124	Letter to Special Court, Akola for adding section.
28	Exhibit-125	Letter to ACB, Mumbai about addition of section.
29	Exhibit-126	Letter to Special Court, Akola for adding section.
30	Exhibit-127	Letter to Police Superintendent, Akola for addition of accused in the crime.
31	Exhibit-128	Letter to Police Superintendent, Akola for providing information about accused Wasimoddin.
32	Exhibit-129	Letter to Police Superintendent, Akola for providing information about accused Pravin.
33	Exhibit-130	Letter to SDO, Balapur, informing addition of accused Prashant Bule in the crime.

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
34	Exhibit-131	Letter to SDO, Balapur, for providing information about accused Prashant Bule.
35	Exhibit-132	Letter by SDO, Balapur, providing information about accused Prashant Bule.
36	Exhibit-133	Letter to accused Prashant Bule calling copy of his first appointment.
37	Exhibit-134	Letter by Police Superintendent, Akola providing information about accused Naina Pohekar.
38	Exhibit-135	Letter to Police Superintendent, Akola for providing information about accused Naina.

C. Court Exhibits :-

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
Nil.		

D. Material Objects :

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
1	Article -A	Photocopy of ATM Statement of PW-1

Date : 06.05.2026.

(A. D. Kshirsagar)
Special Judge (ACB), Akola

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