

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BULDHANA**

(Presided over by Shaikh Akbar Shaikh Jafar)

MHBU010000852025

Special Case No. 3/2025.

State of Maharashtra

-Versus-

Pralhad Dhondu Gaikwad & ors.

(COMMON ORDER BELOW EXH. 1 & 2)

1] Heard the counsel of accused persons and learned A.P.P. on the point of framing of charge.

2] The counsel of accused has tendered objection to frame charge vide Exh.2 under Section 19 of Prevention of Corruption Act. It is the contention of counsel of accused that, as per the provisions of Section 19 of Prevention of Corruption Act, the sanction of appropriate authority is necessary to prosecute the accused persons and in the instant case, the sanction has been refused and upon filing charge-sheet the Court should not have take cognizance. Thus, basically he is raising objection for issuance of summons to the accused persons and submitted that, even though the cognizance is taken no charge can be framed against accused persons as no sanction is granted against them.

3] Learned A.P.P. resisted the application by filing reply at Exh.4. It is submitted that, there is ample evidence against accused persons for committing an offence punishable under Section 7-A and 12 of the Act and charge is

required to be framed against them. During course of arguments, the prosecution has fairly admitted that, sanction has been refused by the concerned authority. The counsel of accused submitted that, no charge could be framed against accused under Section 7 of the Act.

4] It is contention of counsel of accused that, the accused Gaikwad has demanded bribe and committed an offence punishable under Section 7 of the Act and in absence of sanction charge cannot be framed under Section 7, therefore, other ingredients of Section 12 also not made out and accused persons required to be discharged.

5] On perusal of charge-sheet, it reveals that, it is a case of prosecution that, accused No.1 Dhondu Gaikwad has abetted the another accused Rahul Jadhao to accept the bribe on his behalf. Thus, he has committed an offence punishable under Sections 7 and 12 of the Act. Though the sanction is not accorded against the accused Gaikwad, the charge cannot be framed against him under Section 7, but as he abetted the accused Rahul Jadhao to accept the bribe on his behalf, the offence under Section 12 is made out against him. Likewise, the other accused persons alleged to have been committed an offence of abetment. Specifically accused Sukhdev demanded bribe amount on behalf of accused

Gaikwad, therefore, he has been charged for committing an offence under Section 7-A of the Act. On perusal of Section 19 of the Act, it reveals that, for proceeding against the accused persons under Section 7-A and 12 of the Act sanction is not necessary.

6] In this regard I am enlightened by the judgment passed by **Hon'ble Supreme Court** in case of **State Through C.B.I. Vs. Parmeshwaran Subhramani**, reported in **MANU/SC/1625/2009**. In the cited case, Hon'ble Supreme Court opined that requirement of sanction is restricted to the Section 7, 11, 13 & 15, except this, where other sections are levelled against accused persons, the Court may proceed even though the sanction is not granted by the concerned authority. In view of the observation of Hon'ble Supreme Court, I am of the view that, the objection tendered by the counsel of accused persons is not sustainable. The accused persons are required to be prosecuted for committing the offence punishable under Sections 7-A, 12 of the Act and there is ample evidence on record to frame the charge against them for the said offences. Hence, I proceed to pass the following order.

ORDER

1] Objection at Exh.2 is rejected.

2] Matter be kept for framing of charge.

(Shaikh Akbar Shaikh Jafar)

Special Judge,
Buldhana.

Dt. 21.11.2025.

Certificate

I affirm that the contents of this order are same word for word as per original.	
Name of Court	Additional Sessions Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade -I)
Pronounce on	21/11/2025
Upload Date	24/11/2025

