

**ORDER BELOW EXH.20**

1. Read application, say filed. Heard both the Ld. Advocates.
2. This is application by applicant/accused no.1 Tejrao Jadhao for discharge.
3. Perused the file. Accused no.1 along with other two accused is being tried for offences punishable under section 7,12,13(1) (d) r/w 13(2) of Prevention of Corruption Act,1988.
4. It is averment of accused no.1 in present application that there is no demand of gratification by accused no.1 as is alleged by prosecution. According to accused no.1, during the verification of the demand, accused no.1 was not present and no demand is made by him. No specific date, time in complaint dtd.31/5/2016 is stated by complainant. The alleged demand as per case of prosecution is vague without any specific conversation or alleged talk of demand. In trap also there is no demand by accused no.1. Therefore, accused no.1 is falsely involved. On aforesaid grounds he has prayed for discharge.
5. Though, aforesaid arguments are advanced by advocate for accused no.1, they do not carry merits, if the prosecution papers are gone through. In the complaint as well as the verification panchanama dtd.31/5/2016, 2/6/2016, there are recitals of demand by accused no.1. Therefore, the averments in the application that there is no demand by accused no.1 is not true. There is prima-facie evidence on record against accused no.1 if all documents relied upon by the

prosecution are minutely perused. The conversation of the verification panchanama dtd.31/5/2016 & 2/6/2016 also have specific demand being made by accused no.1. As there is prima facie evidence on the factum of demand, the application of applicant/accused no.1 is not genuine. I am not convinced with the arguments of Ld. advocate for applicant.

6. Ld. Advocate for applicant relied upon observations in the case of Shivaji Dattatraya Davbhat V. State of Maharashtra, 2022(1)ABR (Cri.)814. Though the observations in the citation are relied upon by applicant no.1, they are not helpful to applicant as in present case there is prima facie evidence of demand by accused no.1. In the cited case there is no evidence about demand put forth by accused for acceptance of any gratification. However, in present case such is not the position. Therefore, the observations in the citation will not help applicant.

7. For all aforesaid discussion, I countenance arguments of Ld. A.PP as against the arguments of Ld. advocate for applicant. Application of applicant is devoid of merits. It deserves to be rejected. In result, I proceed to pass following order.

**ORDER**

1. Application is hereby rejected.

DT:-20/08/2024.

( C. P. Jain )  
Additional Sessions Judge-1,  
Washim.

**Certificate.**

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order.

Name of the Stenographer :- R.M.Rajurkar, Stenographer (Grade - 1)

Court Name :-Ad Hoc District Judge –1 and A.S.J.  
Washim

Date :- 20.08.2024

Order signed by the

Presiding Officer on :- 21.08.2024

Order uploaded on :-21.08.2024