

ORDER BELOW EXH.18

Perused the application and say given by the prosecution.

2] Perused written notes of arguments Exh.26 filed by the present accused. Heard APP Vyawahare for the prosecution.

3] In nutshell, it is alleged by the prosecution that to avoid criminal action on the complainant's brother, the present accused demanded and accepted bribe of Rs.35,000/- from the complainant. Accused has prayed for his discharge contending that false complaint is lodged against him. License of the complainant's brother was already cancelled. So, no work was pending with him, therefore, question of demand and acceptance of bribe amount does not arise. There is no independent corroboration to the alleged demand made by him. Ultimately, accused has prayed for discharge.

4] Per contra, APP Vyawahare has submitted that accused does not dispute that he is public servant. Demand verification panchanama and trap panchanama shows demand and acceptance of bribe amount by the present accused. So, there is sufficient material to frame charge against the accused. Ultimately, he prayed for rejecting the application.

5] Plea taken by the accused in the application as well as in the written notes of arguments are in the form of evaluation of the evidence. As per Section 239 of Cr. P. C., at the time of framing of charge, Magistrate has to consider whether there is ground for presuming that the accused has committed an offence. If yes, charge can be framed against

the accused. However, if the Magistrate finds that charge against the accused will be groundless, then accused can be discharged. Whether there is corroboration much less independent corroboration or not or whether the prosecution will succeed to prove charge against the accused are not the consideration while framing charge against the accused. In the case in hand the complaint and demand verification panchanama clearly shows demand of bribe by the present accused to the complainant. The trap panchanama shows that the present accused has accepted Rs.35,000/- as bribe from the complainant. Therefore, there is strong and sufficient ground to presume the commission of offence by the accused as alleged against him. So, the application is devoid of any merit and seems to be filed only to protract the trial. Therefore, application deserves to be rejected.

In the result, I pass the following order.

ORDER

Application stands rejected.

Place : Washim
Dt. 06/09/2022

(Haribhau R.Waghmare)
Additional Sessions Judge,

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. K. Pawar, Stenographer (Grade -II)

Court Name :- District Judge-3 & A.S.J. Washim

Date :- 06.09.2022

Order signed by the

Presiding Officer on :- 06.09.2022

Order uploaded on :- 06.09.2022