

ORDER BELOW EXH.34

Accused No.1 has filed this application discharge him from this case.

2. Accused No.1 submitted that accused No.1 was working as a Agriculture Development Officer at Zilla Praishad, Washim. The original complainant Sunilkumar Zanzari lodged the complaint with A.C.B. alleging that his brother Satishkumar running a shop of Paras Agro Agencies with license to sell insecticide and fertilizers. The complainant is assisting him. There was allegation that 164 bags of Uria fertilizers was sold in Hingoli District therefore this news was published in the newspaper. After inquiry accused P. K. Khandare and another assistant N. M. Joshi cancelled the license of the shop. Both the accused told the complainant that complainant can sold the seized fertilizers from the hardware shop and after some time the license will be given to another person in the family and for that sending the favourable report they have demanded Rs.1,00,000/-. After negotiation the amount was fixed of Rs.40,000/- to accused No.1 and Rs.30,000/- for accused No.2. Therefore, F.I.R. was registered. There is the case that accused was caught by the Anti Corruption Bureau. Applicant submitted that the documents which is filed on record are contrary to each other. The complaint is self contradictory. The demand is not corroborated by any independent evidence. The complainant has no locus standi to file the complaint. There is no any independent evidence on record. There is no prima-facie evidence for continuation of proceeding. Mandatory

provision is not complied. Therefore, prayed to grant the application and accused may be discharged.

3. A.P.P. has filed say and submitted that there is prima-facie evidence regarding the demand of the money by both the accused. All accused were arrested while accepting the remuneration of Rs.40,000/- by Pralhad Khandare and Rs.35,000/- by Nitin Joshi respectively. There is ample evidence on record regarding the demand and acceptance of bribe. Therefore, prayed to reject the application.

4. Heard the advocate for the accused and A.P.P. for the State.

5. Considering the record and submissions following points arose for my determination and I have recorded findings for the reasons followed thereafter :

<u>POINTS</u>		<u>FINDINGS</u>
1]	Whether there is abuse of the process of law if charges framed against him ?	No.
2]	Whether accused is liable to discharge from the said offence ?	No.
3]	What order ?	As per final order.

REASONS

AS TO POINT NOS.1 TO 2 :

6. I have gone through the chargesheet and record. As per panchnama, verification panchnama and trap panchnama all the panchnama shows there was demand by the accused person of Rs.1,00,000/-. After negotiation Rs.75,000/- was fixed. There was

conversation made in front of the panch witnesses. During the said conversation demand of rupees come on record. Therefore, trap was conducted. During the trap the amount of Rs.40,000/- and Rs.35,000/- was seized from the accused. Considering this prima-facie evidence there is ample material on record to frame the charge against both the accused.

7. There is the case of accused that there is no corroborative evidence to frame the charge. However, at the time of framing of charge court has to see only prima-facie evidence for framing the charge. Therefore, there is no need to go into the defence of the accused. Considering the defence of the accused and all the documents are shown there is involvement of the accused persons in the commission of offence. Therefore, there is ample material to proceed against the accused persons. Considering these facts there is strong and sufficient ground of commission of offence by the accused. The case is filed in the year 2014 and present application is filed in the year 2023. It means the accused is prolonging the matter by applying such applications.

8. Considering the above reasons, there is prima-facie record against the accused to frame the charge. There is no abuse of law if charge is framed. In such circumstances, accused is not liable for discharge. Therefore, findings for point Nos.1 and 2 are accordingly. Hence, I pass following order.

ORDER

Application is hereby rejected.

Washim.
Date : 22/07/2024.

(S.S.Ghorpade)
Additional Sessions Judge,
Washim.

CERTIFICATE

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

Name of the Stenographer :	S. V. Dere, Stenographer (Gr.III)
Name of the Court :	Shri. S S.Ghorpade Ad-hoc District Judge-2, Washim.
Date :	22/07/2024
Order signed by the presiding officer on :	22/07/2024
Order uploaded on :	23/07/2024