HC-KAR

NC: 2026:KHC:504
CRL.RP No. 1272 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL REVISION PETITION NO. 1272 OF 2025

BETWEEN:

MANJUNATHA
S/O.LATE PAPABHOVI
AGED ABOUT 38 YEARS,
PDO, KULUVANAHALLI GRAMA
BENGALURU RURAL DISTRICT
PANCHAYATH,
NELAMANGALA TALUK
R/AT 1086, SHANTI NIVAS,
MUDDINAPALYA,
NAGARABHAVI,
BENGALURU-560 072.

...PETITIONER

[BY SRI RAMAKRISHNA A.V., ADVOCATE (PH)]

AND:

STATE BY ACB POLICE,
NOW STATE BY LOKAYUKTA POLICE
REPT. BY SPECIAL PUBLIC PROSECUTOR,
M.S.BUILDING,
BENGALURU - 560 001.

...RESPONDENT

[BY SRI B.S.PRASAD, ADVOCATE (PH)]

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C., PRAYING TO TO SET ASIDE THE ORDER DATED 09.04.2025 PASSED BY IX ADDL.DIST. AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN SPL.CASE NO.565/2023 AS PER ANNEXURE-A CONSEQUENTLY ALLOW THE APPLICATION FILED U/S 227 OF CRPC AS PER ANNEXURE B AND DISCHARGE THE PETITIONER FROM THE CHARGE SHEETED OFFENCE P/U/S 7(a) OF PREVENTION OF CORRUPTION (AMENDMENT) ACT 2018.

THIS PETITION IS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 20.11.2025, THIS DAY, THE COURT, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

CAV ORDER

Challenging order dated 09.04.2025 passed by IX Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru, in SPL.C.no.565/2023, rejecting application for discharge, this revision petition is filed.

2. Sri AV Ramakrishna, learned counsel for petitioner (accused) submitted, prosecution was initiated against petitioner - accused for offences punishable under Section 7(a) read with Section 13(2) of Prevention of Corruption Act, 2018 (**'POCA'**, for short) after registration of Crime no.12/2019 registered on 22.10.2019 by Anti-Corruption Bureau, Bengaluru, (**'ACB'**, for short). It was submitted, same was on a complaint dated 22.10.2019 filed by one Raju BH, alleging that all required documents for transfer of E-khata of site no.171/719 situated at Kuluvanahalli, measuring 30 X 40 Sq.fts. to his sister's name after death of her husband, were submitted, but there was no action. And when complainant along with his brother L.K. Arasu met accused - Panchayat Development Officer of Kuluvanahalli, (**'PDO'**, for short),

accused demanded Rs.1 Lakh for registration of E-khata, which he later reduced to Rs.80,000/- of which Rs.40,000/- was to be paid at time of Survey sketch and Rs.40,000/- on registration of E-khata. It was alleged, said conversation was recorded by L.K. Arasu on his Samsung Galaxy A6 mobile phone and accused reiterated demand in telephonic conversation with L.K. Arasu on 17.10.2019, which was also recorded. Unwilling to pay bribe, recorded conversation was transferred onto a CD at computer centre and complaint lodged, which was registered as Crime no.12/2019. And on 23.10.2019, accused was trapped with bribe amount of Rs.40,000/- in his Car, in presence of complainant and two witnesses. Thereafter investigation was completed and Charge-sheet filed.

3. It was submitted, as charge-sheet was filed without basis, accused filed application for discharge under Section 227 of Code of Criminal Procedure, 1973, (**'CrPC'**, for short). In application, it was contended complainant and L.K. Arasu were inimical to accused and filed false complaint. Complainant had not disclosed name of computer centre where recording of conversation was transferred onto CD and complaint was silent

of handing over of CD to Police. It was also contended, accused was only issuing authority of E-khata and it was Executive Officer, who was approving authority indicating entire allegation of demand of bribe was an afterthought and false. It was also contended omission by prosecution to disclose process of transfer of recorded conversation onto CD, investigation of technician who carried out such transfer as well as delay of three years to disclose said particulars were violative of Section 45 of Evidence Act, casting them under grave doubt.

4. Apart from above, it was also contended that accused had given sufficient and proper reply stating that on 23.10.2019, when he was at Gorguntepalya for calculation of tax and he was busy with calculation, complainant and L.K. Arasu entered his Car. And when he was in conversation with someone on his mobile phone, they kept something on dashboard which was not preceded with any demand. Besides, transfer of E-khata was already completed and there was no pendency of any work to support demand. It was further contended, there was seizure of 20 currency notes of Rs.2,000/- denomination each, which were sealed after drawing

mahazar. Strangely, on 30.10.2019 Investigating Officer filed application for rectification of serial numbers of 3 currency notes mentioned in pre-trap mahazar, trap mahazar and PF no.20/2019 insofar as Article no.4 by considering serial numbers mentioned in Column no.4 in table contained in application instead of those mentioned in Column no.3.

5. It was submitted, said request not only cast entire prosecution on grave doubt, but was also attempt to fill-up lacuna, impermissible in law. It was alleged L.K. Arasu was not concerned with complainant or Smt.Lakshmidevi and was a Politician/Contractor, who had enmity with accused. It was submitted, only reason assigned by Special Court for rejection of application was that accused was got red-handed and bribe amount recovered from him, that Investigating Officer along with charge-sheet had produced pre-trap mahazar, trap mahazar, conversation containing demand for bribe and explanation given by accused, along with charge-sheet, veracity of which could be decided only in trial and that prosecution had established *prima-facie* case against accused. It was submitted, mere making observations would not meet

requirements of law as Hon'ble Supreme Court in case of State through **Central Bureau of Investigation v. Dr.Anup Kumar Srivastava**, reported in **2017 (15) SCC 560**, had held a duty was cast on Courts while framing of charge to apply its mind to evidence placed before it and consider possibility of discharging accused. Reliance was also placed on decision in **Yogesh Alias Sachin Jagadish Joshi v. State of Maharashtra**, reported in **(2008) 10 SCC 394**, for proposition that phrase '*not sufficient ground for proceeding against accused*', would enable discharge of accused even in cases where two views are possible and prosecution material gave rise to only suspicion against accused for having committed offence as against grave suspicion which would necessitate trial.

6. It was submitted, to sustain prosecution for offence under Section 7(a) read with Section 13(2) of POCA, prosecution would required to establish demand as well as receipt of bribe. Demand was sought to be established based on CD containing recording of conversation between complainant and accused but, without mentioning particulars of

recording of conversation. Secondly, there was no material to substantiate acceptance as even according to prosecution, money was kept in a cover on dashboard of Car and thirdly, filing of application for rectification of serial numbers of currency notes in pre-trap and trap mahazars after their seizure and production in Court in sealed cover, in addition to rejection of application of discharge on bare reasoning that there was *prima-facie* material without application of mind to prosecution material, as being contrary to law. On above grounds, sought for allowing revision.

7. On other hand, Sri B.S. Prasad, learned counsel for respondent – State opposed petition. It was submitted, charge against accused was demand and receipt of illegal gratification supported by written complaint along with CD of conversation between complainant and accused substantiating demand of illegal gratification and corroborated by pre-trap and trap mahazars as well as FSL Report that voice in CD matched that of accused. It was submitted, trap mahazar recorded recovery of marked currency notes from dashboard of Car belonging to accused. It was submitted, at time of consideration of

application for discharge, Special Court was not required to decide on quality of evidence, but only to examine existence of *prima-facie* case to sustain prosecution. It was submitted, at this stage, accused cannot take advantage of application filed for rectification of charge-sheet as appropriate stage to consider legality of explanation are need for rectification would arise only after trial.

8. To buttress contention about non-pendency of work for which alleged demand was made, learned counsel relied on ratio in **State of Karnataka v. Chandrasha,** reported in 2024:INSC:928. On above grounds, sought for dismissal of revision petition.

9. Heard learned counsel, perused impugned order, Charge Sheet and appended documents made available by learned counsel for parties.

10. This revision petition is by accused challenging order rejecting application for discharge. At outset, it would be appropriate to refer to decisions laying down law regarding

consideration fo application for discharge and scope for interference by Revisional Court against said orders.

11. Hon'ble Supreme Court in case of **State of T.N. v. N. Suresh Rajan** reported in **2014 (11) SCC 709** held:

> *"29. … At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out.* ***To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge****; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."*
>
> *(Emphasis supplied)*

12. In **CBI v. Aryan Singh** reported in **2023 SCC OnLine SC 379** also it is held:

> *"10. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial.*
>
> *At the stage of discharge and/or while exercising the powers under Section 482 Cr. P.C., the Court has a very limited jurisdiction and is required to*

*consider "**whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not**".*

(Emphasis supplied)

13. In **State of Gujarat v. Dilipsinh Kishorsinh Rao**, reported in **(2023) 17 SCC 688**, it is held:

> *"7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial Judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge-sheet material. The nature of the evidence recorded or collected by the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that the accused has committed the offence which is triable, then necessarily charge has to be framed.*
>
> *8. At the time of framing of the charge and taking cognizance the accused has no right to produce any material and call upon the court to examine the same. No provision in the Code grants any right to the accused to file any material or document at the stage of framing of charge. The trial court has to apply its judicial mind to the*

facts of the case as may be necessary to determine whether a case has been made out by the prosecution for trial on the basis of charge-sheet material only.

9. *If the accused is able to demonstrate from the charge-sheet material at the stage of framing the charge which might drastically affect the very sustainability of the case, it is unfair to suggest that such material should not be considered or ignored by the court at that stage. The main intention of granting a chance to the accused of making submissions as envisaged under Section 227CrPC is to assist the court to determine whether it is required to proceed to conduct the trial. Nothing in the Code limits the ambit of such hearing, to oral hearing and oral arguments only and therefore, the trial court can consider the material produced by the accused before the IO.*

10. *It is settled principle of law that at the stage of considering an application for discharge the court must proceed on an assumption that the material which has been brought on record by the prosecution is true and evaluate said material in order to determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary of the offence alleged.*

11. *This Court in State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709: (2014) 3 SCC (Cri) 529: (2014) 2 SCC (L&S) 721] adverting to the earlier propositions of law laid down on this subject has held: (SCC pp. 721-22, para 29)*

> *"29. We have bestowed our consideration to the rival submissions and the submissions made by Mr Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order*

to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."

12. *The defence of the accused is not to be looked into at the stage when the accused seeks to be discharged. The expression "the record of the case" used in Section 227CrPC is to be understood as the documents and articles, if any, produced by the prosecution. The Code does not give any right to the accused to produce any document at the stage of framing of the charge. The submission of the accused is to be confined to the material produced by the investigating agency.*

13. *The primary consideration at the stage of framing of charge is the test of existence of a prima facie*

case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in State of Maharashtra v. Som Nath Thapa [State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659: 1996 SCC (Cri) 820] and State of M.P. v. Mohanlal Soni [State of M.P. v. Mohanlal Soni, (2000) 6 SCC 338: 2000 SCC (Cri) 1110] has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.

14. *The power and jurisdiction of the Higher Court under Section 397CrPC which vests the court with the power to call for and examine records of an inferior court is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings.*

15. *It would be apposite to refer to the judgment of this Court in Amit Kapoor v. Ramesh Chander [Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986], where scope of Section 397 has been considered and succinctly explained as under : (SCC p. 475, paras 12-13)*

> *"12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or*

an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in exercise of its revisional jurisdiction unless the case substantially falls within the categories aforestated. Even framing of charge is a much advanced stage in the proceedings under CrPC."

16. *This Court in the aforesaid judgment in Amit Kapoor case [Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986] has also laid down principles to be considered for exercise of jurisdiction under Section 397 particularly in the context of prayer for quashing of charge framed*

under Section 228CrPC is sought for as under : (Amit Kapoor case [Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986] , SCC pp. 482-83, para 27)

> *"27. Having discussed the scope of jurisdiction under these two provisions i.e. Section 397 and Section 482 of the Code and the fine line of jurisdictional distinction, now it will be appropriate for us to enlist the principles with reference to which the courts should exercise such jurisdiction. However, it is not only difficult but is inherently impossible to state with precision such principles. At best and upon objective analysis of various judgments of this Court, we are able to cull out some of the principles to be considered for proper exercise of jurisdiction, particularly, with regard to quashing of charge either in exercise of jurisdiction under Section 397 or Section 482 of the Code or together, as the case may be:*
>
> *27.1. Though there are no limits of the powers of the Court under Section 482 of the Code but the more the power, the more due care and caution is to be exercised in invoking these powers. The power of quashing criminal proceedings, particularly, the charge framed in terms of Section 228 of the Code should be exercised very sparingly and with circumspection and that too in the rarest of rare cases.*
>
> *27.2. The Court should apply the test as to whether the uncontroverted allegations as made from the record of the case and the documents submitted therewith prima facie establish the offence or not. If the allegations are so patently absurd and inherently improbable that no prudent person can ever reach such a conclusion*

and where the basic ingredients of a criminal offence are not satisfied then the Court may interfere.

27.3. The High Court should not unduly interfere. No meticulous examination of the evidence is needed for considering whether the case would end in conviction or not at the stage of framing of charge or quashing of charge.

***

27.9. Another very significant caution that the courts have to observe is that it cannot examine the facts, evidence and materials on record to determine whether there is sufficient material on the basis of which the case would end in a conviction; the court is concerned primarily with the allegations taken as a whole whether they will constitute an offence and, if so, is it an abuse of the process of court leading to injustice.

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27.13. Quashing of a charge is an exception to the rule of continuous prosecution. Where the offence is even broadly satisfied, the Court should be more inclined to permit continuation of prosecution rather than its quashing at that initial stage. The Court is not expected to marshal the records with a view to decide admissibility and reliability of the documents or records but is an opinion formed prima facie."

14. Accused herein is charged with offences punishable under Section 7 (a) read with Section 13 (2) of PoCA. Hon'ble

Supreme Court in case of **N. Vijayakumar v. State of T.N.,** reported in **(2021) 3 SCC 687,** held:

> *"26. It is equally well settled that mere recovery by itself cannot prove the charge of the prosecution against the accused. Reference can be made to the judgments of this Court in C.M. Girish Babu v. CBI [C.M. Girish Babu v. CBI, (2009) 3 SCC 779 : (2009) 2 SCC (Cri) 1] and in B. Jayaraj v. State of A.P. [B. Jayaraj v. State of A.P., (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543] In the aforesaid judgments of this Court while considering the case under Sections 7, 13(1)(d)(i) and (ii) of the Prevention of Corruption Act, 1988 it is reiterated that to prove the charge, it has to be proved beyond reasonable doubt that the accused voluntarily accepted money knowing it to be bribe. Absence of proof of demand for illegal gratification and mere possession or recovery of currency notes is not sufficient to constitute such offence. In the said judgments it is also held that even the presumption under Section 20 of the Act can be drawn only after demand for and acceptance of illegal gratification is proved. It is also fairly well settled that initial presumption of innocence in the criminal jurisprudence gets doubled by acquittal recorded by the trial court.*
>
> *27. The relevant paras 7, 8 and 9 of the judgment in B. Jayaraj [B. Jayaraj v. State of A.P., (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543] read as under : (SCC pp. 58-59)*
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> > *"7. Insofar as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe. The above position has been succinctly laid down in several judgments of this Court. By way of illustration,*

reference may be made to the decision in C.M. Sharma v. State of A.P. [C.M. Sharma v. State of A.P., (2010) 15 SCC 1: (2013) 2 SCC (Cri) 89] and C.M. Girish Babu v. CBI [C.M. Girish Babu v. CBI, (2009) 3 SCC 779: (2009) 2 SCC (Cri) 1].

8. In the present case, the complainant did not support the prosecution case insofar as demand by the accused is concerned. The prosecution has not examined any other witness, present at the time when the money was allegedly handed over to the accused by the complainant, to prove that the same was pursuant to any demand made by the accused. When the complainant himself had disowned what he had stated in the initial complaint (Ext. P-11) before LW 9, and there is no other evidence to prove that the accused had made any demand, the evidence of PW 1 and the contents of Ext. P-11 cannot be relied upon to come to the conclusion that the above material furnishes proof of the demand allegedly made by the accused. We are, therefore, inclined to hold that the learned trial court as well as the High Court was not correct in holding the demand alleged to be made by the accused as proved. The only other material available is the recovery of the tainted currency notes from the possession of the accused. In fact such possession is admitted by the accused himself. Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive insofar as the offence under Sections 13(1)(d)(i) and (ii) is concerned as in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing

or pecuniary advantage cannot be held to be established.

9. Insofar as the presumption permissible to be drawn under Section 20 of the Act is concerned, such presumption can only be in respect of the offence under Section 7 and not the offences under Sections 13(1)(d)(i) and (ii) of the Act. In any event, it is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Proof of acceptance of illegal gratification can follow only if there is proof of demand. As the same is lacking in the present case the primary facts on the basis of which the legal presumption under Section 20 can be drawn are wholly absent."

The above said view taken by this Court fully supports the case of the appellant. In view of the contradictions noticed by us above in the depositions of key witnesses examined on behalf of the prosecution, we are of the view that the demand for and acceptance of bribe amount and cellphone by the appellant, is not proved beyond reasonable doubt. Having regard to such evidence on record the acquittal recorded by the trial court is a "possible view" as such the judgment [State of T.N. v. N. Vijayakumar, 2020 SCC OnLine Mad 7098] of the High Court is fit to be set aside. Before recording conviction under the provisions of the Prevention of Corruption Act, the courts have to take utmost care in scanning the evidence. Once conviction is recorded under the provisions of the Prevention of Corruption Act, it casts a social stigma on the person in the society apart from serious consequences on the service rendered. At the same time it is also to be noted that whether the view

taken by the trial court is a possible view or not, there cannot be any definite proposition and each case has to be judged on its own merits, having regard to evidence on record."

15. From above, while it would be justified to contend that prosecution would required to substantiate both demand and acceptance to sustain charge under Section 7 (a) of POCA, Hon'ble Supreme Court in **Dilipsinh Kishorsinh Rao**'s case (supra), reiterated that at time of consideration of application for discharge, trial Court would require to proceed on premise that material brought on record by prosecution is true and evaluate same to determine whether facts emerging from same when taken on face value, disclose existence of ingredients necessary for offence alleged.

16. Perusal of Charge-Sheet reveals, prosecution is relying on contents of complaint, CD containing conversation between complainant and accused containing demand for bribe, FSL certificate that voice in recording matches with that of accused, complainant's statement, statement of LK Arasu as well as two government officials who were trap witnesses to sustain charge of demand as well as acceptance. As observed

by trial Court, said material would be prima facie supply ingredients for sustaining prosecution for charges alleged. Indeed, as held in **N. Vijayakumar**'s case (supra), mere recovery would not be sufficient, and it has to be established by prosecution that accused with knowledge that said money was given as bribe accepted it, but such evaluation can be done only after conclusion of trial.

17. And as rightly contended by learned counsel for respondent, it is held in **Chandrasha**'s case (supra), non-ppendency of work for which bribe was demanded would not be a ground to escape conviction. Likewise, even application for correction filed by prosecution would not be sufficient to scuttle prosecution. Acceptability of explanation offered for same could be tested only after trial. At stage of consideration of application for discharge, trial Court would not require to conduct mini trial but sift through prosecution material and if on probative evaluation of same, prima facie case for prosecution is indicated, application for discharge would not sustain. Except, a clarification that any observations made in impugned order or this order, would not prejudice any

contention of accused during trial, accused herein would not be entitled for any other relief.

18. Wherefore, with observations as above, revision petition is ***dismissed*** as devoid of merit.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 72