



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 84 OF 2026

The State of Maharashtra,
Through : Police Inspector,
Police Station, City Chowk,
District Aurangabad.

... Applicant

Versus

Anil Trimbakrao Wangujare,
Age : 45 years, Occupation Service,
R/o. C/o. Shri Vinod Patil's House,
Plot No. 22, Vinayak Housing Society, N-8,
CIDCO, Aurangabad,
District Aurangabad.

... Respondent
[Original Accused]

.....

Mr. V. S. Badakh, APP for the Applicant-State.
Mr. Joydeep Chatterji, Advocate for the sole Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 24.08.2026

Pronounced on : 27.08.2026

ORDER :

1. Dissatisfied by the judgment and order of acquittal dated 13.04.2026 passed by learned Special Judge-8 (PC Act), Aurangabad in Special Case ACB No. 49 of 2016, acquitting the accused from charges under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 (PC Act), the State has preferred the instant application seeking leave to file appeal.

2. Learned APP pointed out that, respondent-original accused was indisputably a public servant. That, complainant also was a Government official. It is submitted that, complainant had approached accused for fixation of his pay in view of a Government Resolution issued by the State Government. That, for doing the said needful, there was demand of Rs.10,000/- by way of bribe and on negotiations, it was brought down to Rs.8,000/-, but as complainant was not interested in satisfying the demand, he approached Anti Corruption Bureau (ACB) and lodged report.

3. Learned APP further submitted that, after receipt of complaint, PW4 Investigating Officer planned and executed trap and apprehended accused. According to him, the *sine qua non* like demand and acceptance were proved by prosecution by adducing evidence of the PW2 complainant, whose testimony was supported by the PW3 shadow pancha, but learned trial court failed to comprehend and appreciate it in correct perspective. That, there was valid sanction and the authority who accorded sanction, was also examined but the same has not been considered and thus, according to learned APP, as the State has good case on merits in appeal, instant leave application deserves to be granted.

4. In answer to above, learned counsel for the respondent-accused would justify the order of acquittal by submitting that here, very crucial aspect like demand itself has not been proved beyond reasonable doubt. He pointed out that, exactly when initial demand was made is not substantiated. He further pointed out that, there is delayed reporting without any explanation. He further submitted that, there is no corroboration to the testimony of complainant from the shadow pancha who, though accompanied complainant, was not party to the actual conversation of demand.

5. As regards to the acceptance is concerned, he pointed out that the amount was planted in the service book kept on the table while accused was away to attend a phone call and that, prosecution witnesses themselves are admitting to that extent. He pointed out that, accused had merely picked up the fallen currency and had kept it back in the service book unknowingly and therefore, anthracene traces to his fingers are attributed to such act. Lastly he submitted that, evidence of prosecution witnesses, more particularly of complainant PW2 and shadow pancha PW3 is also full of material omissions and learned trial court has rightly dealt with it in extensio and therefore, he urges to refuse leave.

6. After hearing the above submissions and on going through the record, there seems to be challenge to the judgment and order of acquittal of present respondent from above charges wherein accusations were raised that, for fixing pay of the complainant he demanded bribe of Rs.10,000/- and finally, on negotiations, agreed to accept Rs.8,000/-. Complainant has therefore approached ACB authorities and filed complaint, leading into planning and execution of trap.

7. In view of the charge, evidence of complainant and shadow pancha is of relevance and significance to ascertain as to whether there is demand as well as acceptance.

8. Evidence of complainant PW2 is at Exhibit 35. Initially he stated about panchas being called and introduced to him and ACB authority decided to verify the demand and gave necessary instructions to him and shadow pancha PW3, who was made to accompany complainant to the office of accused and they carried voice recorder. In para 4, he deposed about the events that took place after reaching the office, i.e. to the cabin of accused, who was initially not present, but when he came and was informed that service book

was brought and to verify it, accused told him that he is visiting Beed and to hand it over there during such visit. But in chief itself, complainant stated that, he himself told accused that the amount of Rs.10,000/- as informed by Bade is too much and that he is not in a position to pay so much, upon which accused said to him, “ok”, and used calculator to display the amount i.e. Rs.8,000/-. Thereafter he and shadow pancha came back and then main trap was duly planned. But again, during main trap, he deposed that after he and shadow pancha went to the cabin of accused, complainant himself told that he has brought service book as well as cash and requested to verify the service book.

9. Thus, as submitted, prior to any demand, there seems to be offer of bribe by complainant himself and it is so evident from the testimony of complainant.

10. Now, if evidence of PW3 shadow pancha is put to scrutiny to ascertain whether there is corroboration to the testimony of PW2, it is noticed that, PW3 in para 4 of the chief stated that she accompanied complainant to the office of accused, but on reaching there, though she followed complainant towards the cabin of accused, the door was closed after complainant entered the cabin and therefore, she stood

outside the cabin, and there was conversation between complainant and accused inside the cabin for five minutes after which complainant came out and called this witness inside the cabin of accused and this witness occupied the chair opposite the accused. Then there were talks between complainant and accused regarding verification of service book and accused suggested some corrections in the service book. This witness then stated that thereafter complainant himself told accused that Mr. Bade has instructed about Rs.10,000/- and requested accused to reduce the same, upon which accused allegedly told him to reduce the amount by Rs.2,000/-, and then complainant and shadow pancha came out.

Regarding the main trap, she deposed in paragraph 5 i.e., about visiting the cabin of accused and they occupying chairs opposite to accused, complainant handing over service book to accused but was further told to approach the Inward/Outward Section, after which she and complainant went to the said Section, however while returning to the cabin of accused, accused instructed her to sit at the Inward/Outward Section. In chief itself stated that, as she remained outside the cabin, she is unaware as to what conversation took place between complainant and accused.

11. Thus, apparently, from above evidence of shadow pancha, though she was in the company of complainant at the time of demand verification as well as main trap, she was not party to the actual conversation on the point of demand or acceptance which took place between complainant and accused.

12. Resultantly, here, the very essentials of demand and acceptance are not cogently proved by the prosecution and there is no corroboration to the testimony of complainant, whose above discussed testimony itself shows that, prior to demand, he seems to have offered bribe.

13. With above quality of evidence, no fault can be found in the judgment and order of acquittal. No good ground is made out so as to accord leave. Hence, the following order :

ORDER

- I. Leave is refused.
- II. Application stands dismissed.

[ABHAY S. WAGHWASE, J.]