

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2024 OF 2013

The State of Maharashtra ... APPLICANT

VERSUS

Sunil Santosh Keng & anr. ... RESPONDENTS

.....
Mrs. R.K. Ladda, A.P.P. for the applicant
Shri V.Y. Bhide, Advocate for respondents
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 3rd February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant/ State and learned counsel for respondents - accused. The learned A.P.P. submits that, in this matter under the Prevention of Corruption Act, trap was laid and demand and acceptance of bribe amount was proved, but the trial Court has wrongly disbelieved the witnesses. Learned A.P.P. submitted that the panch were also supporting and there was evidence regarding sanction also, but

the trial Court, while appreciating the evidence, disbelieved the prosecution case.

2. Learned counsel for respondents submitted that, the appreciation of the trial Court is correct. He referred to various observations of the trial Court to submit that the trial Court appreciated the evidence that there were different dates for alleged demand and that there were various contradictions, and the evidence was not supported by the recitals in the complaint. He submitted that, the evidence as has been discussed, was rightly discarded by the trial Court. He submitted that, even the sanction shows stamp of some disciplinary committee and the witness was unable to say why the stamp was there and the trial Court rightly found that there was no application of mind.

3. Looking to the rival submissions by both the sides and considering the material available, there is arguable case. The evidence needs to be reappreciated. Leave is granted. Application be converted into appeal.

4. Appeal is **admitted**.

5. Mr. V.Y. Bhide, learned counsel dispenses with notice for respondents after admission of appeal.

6. Paper Book be got prepared.

7. Action under Section 390 of the Code of Criminal Procedure be taken against the respondents in the trial Court and short compliance report be called.

(A.I.S. CHEEMA, J.)

fmp/cri2024.13