

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3024 OF 2015
(The State of Maharashtra Vs. Sachin s/o Hariram Kendre)

Mr. V.S. Badakh, A.P.P. for the applicant/State
Mr. Joydeep Chatterji, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 14/10/2015

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of present respondent from the offences punishable under section 7 and 13 (1) (d) read with section 13 (2) of the Prevention of Corruption Act, 1988 by the learned Special Judge, Ambajogai vide his judgement and order dated 3rd February, 2015 passed in Special (ACB) Case No. 3/2013, the State wants to file an appeal and therefore, the present application for grant of leave to file appeal is preferred.
3. The evidence on record would show that one compact disc regarding the conversation recorded on a cassette voice recorder was pressed into service by the

prosecution to prove the demand. Further, the issue was as to whether the receipt claimed to have been prepared by the accused at the time of trap was prepared at that time itself or later on as the same was called from Tahsil office later on.

. The learned Special Judge has observed that the compact disc is not a primary document and the necessary compliance as per the Indian Evidence Act, regarding the electronic document, is not made.

4. Since an arguable case is made out, leave to file appeal is hereby granted. Office to register the appeal as per due procedure of law.

5. Upon registration of the appeal, it stands **admitted**. Learned counsel Mr. Joydeep Chatterji waives service of notice for the respondent upon admission of the appeal. Action under section 390 of the Code of Criminal Procedure be taken.

6. The learned Special Judge to release the present respondent on bail on an undertaking from the respondent that he would appear before this court in the appeal proceeding, on his executing P.R. Bond in the sum

of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

Hamdast allowed.

7. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln3024-2015