

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3847 OF 2014

The State of Maharashtra,
Through: Police Inspector,
Nawapur Police Station,
Dist-Nandurbar

...APPLICANT

VERSUS

Vishal Balkrushna Patil,
Age-30 years, Occu:Service,
Presently residing at:
New Police Line, Nawapur,
(Originally R/o-Plot No.15,
Jai Malhar Nagar,
Behind Pratap Mills, Dhule)

...RESPONDENT

...
Mr.B.L. Dhus, A.P.P. for Applicant.
Mr.C.R. Deshpande Advocate for Respondent.
...

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

DATE : 24TH JULY, 2015

ORDER :

1. Heard learned A.P.P. for State. The learned

A.P.P. submits that the Respondent-accused, who was constable, had seized documents of a vehicle and for returning the same, bribe amount was demanded. Trap was laid, in which Rs.70,000/- were paid. At the time of execution of trap, there was resistance and the prosecution brought on record the evidence of the witnesses.

2. The learned counsel for Respondent-accused submitted that there was no demand or acceptance of bribe by the Respondent-accused. The Respondent had seized the papers and when the complainant Amrutbhai contacted, the Respondent had gone to return the papers but at that time complainant tried to thrust money in the pocket of the Respondent-accused which was resisted, because of which crowd gathered at the petrol pump and thus according to the counsel, there was no demand or acceptance of the money and false case has been filed. Counsel relied on reasons recorded by Trial Court to submit that leave may not be granted.

3. It is matter of consideration whether Accused, said to be mere constable could have seized the papers of a truck. It is matter of consideration why the constable should go to the petrol pump to return the papers. It needs to be appreciated that the Respondent-accused being police official could have resisted moment there was sense of a trap. The evidence needs to be re-appreciated.

4. For above reasons Application is allowed in terms of prayer clause (B), (C) and (F) of the Application.

5. Appeal is **Admitted**.

6. Action under Section 390 of Cr.P.C. be taken in the trial Court against the Respondent-accused.

7. Paper-Book be got prepared.

8. After Paper-Book is ready, liberty to
mention for early hearing.

[A.I.S.CHEEMA,J.]

asb/JUL15