

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

CRIMINAL APPLICATION NO.4369 OF 2015

The State of Maharashtra,
Through Police Inspector,
Anti Corruption Bureau, Jalgaon.

...Applicant

versus

1. Pravin Shantaram Mahale,
Age: 36 years, Occ: Service,
R/o. Plot No.25, Usmanapura,
Tilak Nagar, Aurangabad.

2. Prafulla Bharat Patil,
Age: 30 years,
R/o. Plot No.42, Mohan Nagar,
Jalgaon, Dist. Jalgaon.

...Respondents

.....

Mr. V.P. Kadam, Additional Public Prosecutor for applicant/State
Mr. Joydeep Chatterji, Advocate for respondent Nos.1 & 2

.....

CORAM : M.T. JOSHI, J.

DATE : 7th OCTOBER, 2015

ORAL ORDER :

Heard both sides.

2. Aggrieved by the acquittal of the respondents from the offences punishable under Sections 7, 12, 13(1)(d) read with Section 13(2) of the Prevention of the Corruption Act, 1988, the State wants to prefer the appeal and therefore, present application for leave to file

appeal is preferred.

3. The prosecution case would reveal that present respondent No.1 being Assistant Motor Vehicle Inspector working with the Deputy R.T.O. office, Jalgaon had made a demand and thereafter accepted through respondent No.2 other than legal remuneration of Rs. 2300/- and therefore, the charge sheet came to be filed.

4. The submissions made by learned A.P.P. would show that learned Special Judge has omitted to appreciate the certain evidence of the complainant and directly appreciated the evidence of panch witness as is found in paragraph No.32 of the impugned judgment.

5. Upon hearing both sides, in my view, arguable case is made out. Leave to file appeal is hereby granted. The application is allowed.

6. The appeal be registered as per due procedure of law. Upon registration, the appeal stands **admitted**. Mr. Joydeep Chatterji, learned Counsel, upon admission, waives notice for both the respondents.

7. Action under Section 390 of the Code of Criminal Procedure to follow.

8. Learned Special Judge to release both the respondents/accused on bail upon their executing P.R. bonds in the sum of Rs.20,000/- (Rs. Twenty thousand) each and also upon furnishing surety each in the like amount, to secure their presence during hearing of the appeal in this Court.

9. Hamdast granted.

[M.T. JOSHI, J.]