

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

CRIMINAL APPLICATION NO.5861 OF 2013

The State of Maharashtra ... APPLICANT

VERSUS

Laxman s/o Abasaheb Lomte ... RESPONDENT

.....
Shri B.L. Dhas, A.P.P. for applicant
Shri S.B. Bhosale, Advocate for respondent
.....

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

DATED: 9th February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant - State and learned counsel for respondent - accused. Learned A.P.P. submits that, in this matter under Prevention of Corruption Act, trap was laid and the accused was caught. There was demand and acceptance of bribe. According to learned A.P.P., the trial

Court wrongly acquitted the accused because the complainant P.W.3 Sugriv, at the time of evidence, did not support the prosecution. According to learned A.P.P., there was still evidence of the panch available, which shows that the accused had asked money for handing over the 7/12 extract with the relevant entries.

2. The learned counsel for respondent - accused submitted that, the land owner P.W.5 Depe had grudge against the respondent - accused as when asked, the Talathi had not immediately made entries regarding pomegranate trees and had not issued 7/12 extract. He submitted that, the trial Court has rightly appreciated the evidence and acquitted the accused. He submitted that, in the course of cross-examination, the complainant accepted that there was a drama for which the tickets were purchased by the complainant from accused and the amount was paid towards the same.

3. Looking to the evidence discussed and the reasonings recorded by the trial Court, there is arguable case. The evidence is required to be re-considered. The evidence of complainant, in his examination-in-chief, in the background of the documents and his deposition in cross-examination, is required to be re-

appreciated.

4. Leave is granted. Application is converted into Criminal Appeal.

5. Appeal is **admitted**.

6. Mr. Bhosale, learned counsel dispenses with notice for respondent after admission of appeal.

7. Paper Book be got prepared.

8. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent - accused in the trial Court and short report of compliance be called.

9. Liberty to mention for final hearing after Paper Book is ready.

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