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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) No.120 of 2015

The State of Maharashtra ..Applicant.
Vs.
Babaso Sopan Kamble ..Respondent.

Mr A.R. Patil, APP for the State.
Mr Dushyant Pagare for Respondent No.1.

CORAM : A.R.JOSHI, J
DATE : 27th OCTOBER, 2015

P.C. :

- 1) Heard rival submissions on this application for leave to file appeal challenging the acquittal of the respondent in the matter of offences punishable under sections 7 and 13 (2) of the Prevention of Corruption Act, 1988.
- 2) The case of the prosecution in nut-shell was that some criminal proceeding was lodged against the complainant party and there was demand of bribe amount of Rs.1,000/- by the respondent-accused, then police officer, attached to Ajara Police Station as A.S.I. Allegedly, the demand of bribe was for showing favour to the complainant against whom various complaints were lodged.
- 3) What weighed with the trial Court was non-establishment of the initial demand of bribe and not producing the CD regarding tape-recorded conversation towards said demand. Also what

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weighed with the trial Court was that there is no corroboration to the testimony of the complainant. Also the trial Court held that the sanction to prosecute given by PW no.5 was mechanically given without application of mind as has been accepted by PW no.5 during his cross-examination. The trial Court also discussed the circumstances as to the variance in the timing as mentioned in the station diary and as to the timing of the officers of Anti Corruption Bureau going for the raid. The trial Court also considered the aspect as the respondent was not in-charge of the investigation against the complainant and some other officer i.e. Head Constable was investigating the matter. As such the trial Court doubted the case of the prosecution and gave benefit of doubt to the accused/respondent.

4) Considering the substantive evidence of the prosecution witnesses, in the opinion of this Court, the view taken by the trial Court cannot be considered as of such a perverse nature so as to be interfered with in the appeal. In the result, there is nothing to entertain the present application for leave to file appeal challenging the acquittal of the respondent. Consequently, the present application is dismissed and disposed of.

(A.R.JOSHI, J.)