

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) NO.6 OF 2015

The State of Maharashtra V/s. Anil Punjaji Gaikwad

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mrs.P.P. Bhosale, APP, for the applicant-State.
None for the respondent.

CORAM : A.R. JOSHI, J.
DATE : 28TH JULY 2015

P.C.:

1. Heard learned APP for the State on this application for leave to file appeal challenging the acquittal of the respondent in the matter of offences punishable under section 7 and 13(1)(d) read with section 13(2) of Prevention of Corruption Act, 1988.

2. The case of the prosecution is that there was some dispute with respect to measurement of the landed property belonging to the father of the complainant. The dispute was with the neighbour. There was some proceeding before the Tahsildar. In the said proceeding, certain evidence was recorded and the complainant had asked for the certified copies of the said

evidence. For giving certified copies, the accused demanded a bribe of Rs.2,000/-. Part of the demanded amount was paid and remaining amount was to be paid afterwards. At that juncture a complaint was lodged with Anti Corruption Bureau.

3. What weighed with the trial Court was failure of the prosecution to establish the earlier demand of bribe of Rs.2,000/-. Also apparently there was no verification of the demand. It is also a factual position that the amount of bribe of Rs.1,000/- was found in the drawer of the table where the accused-present respondent was sitting in his office. The amount was not touched by the respondent-accused. The trial Court also came to the conclusion that the independent witnesses i.e. other office staff members were not examined on the actual event of trap. Also the trial Court came to the conclusion that in view of substantive evidence of P.W.No.4 the Investigating Officer, the copies were also signed by the Tahsildar prior to the trap.

4. Considering the substantive evidence of four

prosecution witnesses, in the opinion of this Court, the order of the Trial Court cannot be considered as of a perverse nature so as to be interfered with. In otherwords, there is nothing to re-agitate the matter again and to allow the State to prosecute the matter in the appeal. In the result, the present application for leave to file appeal is dismissed and accordingly disposed of.

(A.R. JOSHI, J.)