

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION (ALS) NO. 55 OF 2015

The State of Maharashtra

..Applicant/Appellant
(Org. Complainant)

V/s.

Anil Narayan Gangurde

.. Respondent
(Org. Accused)

Mr.A.R. Patil, APP for State.

Mr.C.P. Sengaonkar, for respondent No.1

CORAM : A. R. JOSHI, J.

DATE : 29TH JUNE, 2015.

P.C.

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

2. The case of the prosecution is that the respondent while working as a Senior Clerk demanded and accepted an amount of Rs.2,000/- from the complainant for processing and sanctioning the proposal of the complainant for House Rent Allowance. As such a trap was laid and during which the

respondent was apprehended and after completing the investigation respondent was tried before Special Judge at Greater Mumbai.

3. What influenced the Trial Court was the variance in the substantive evidence of the complainant and the panch witnesses on the major aspect as to demand and acceptance. Moreover the Court had specifically mentioned that in this case the complainant himself was doubtful whether there was a demand of bribe by the respondent-accused and he accordingly so mentioned in his complaint before the Anti Corruption Authority. The Court also came to the conclusion that for technicalities and also for want of authority, the sanction in the matter was not valid for prosecuting the respondent. The Court also came to the conclusion that the prosecution failed to establish the acceptance of the bribe amount is Rs.1,000/- by the respondent. As such on all counts on the points for determination the Trial Court gave the answer in the negative. Considering the reasoning given by the Trial Court and the substantive evidence of the complainant, in the opinion of this

court there is nothing to interfere with the judgment and order of the Special Court, so as to come to the different conclusion. It cannot be said that the order which is impugned is of a such a pervert nature so as to be altered in the appeal. Hence the present application for leave is accordingly dismissed and disposed of.

(A. R. JOSHI, J)