

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.67 OF 2015

State of Maharashtra	..Applicant
-Versus-	
Ramesh Mahagu Limje	..Respondent

Mrs. Anamika Malhotra, APP for State/ applicant
Mr. Vijay Desai i/b. Yogini Ghawade for respondent.

CORAM : A.R.JOSHI, J.

DATE : 24th August 2015

P.C.

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

2] What weighed with the trial court was the lack of substantive evidence on the part of pancha as to witnessing the actual incident of demand and acceptance of bribe of Rs.2000/- by the respondent. Though, the P.W.3, I.O. deposed regarding presence of pancha during the trap, the first informant P.W.1 and pancha P.W.2 do not

support the case of the prosecution on this aspect. In fact, this was the main defect in the case of prosecution taken by the trial court leading to the failure of the prosecution to establish the case of demand and acceptance of bribe.

3] Apart from the above, there are other discrepancies inter se in the substantive evidence of complainant P.W.1 and Pancha P.W.2, inasmuch as, according to the case of prosecution and the pancha on 9th and 10th January 2012 there was a visit to the office of the respondent but trap was not laid and it was so laid on 11th January 2012. Whereas according to P.W.1 complainant tap was conducted on 10/1/2012.

4] Still, apart from this factual position, there is another circumstance as to the initial demand which was allegedly made by the respondent with the wife of the complainant but she was not examined and the demand made with the complainant was on 5th January 2012. But the complaint was lodged on 9th January 2012.

5] Considering the effect of substantive evidence brought before

the trial, the trial court came to the conclusion of failure of prosecution to establish the offence against the respondent accused. In the considered view of this court, there is nothing to come to the different view than that taken by the trial court and to reagitate the matter in appeal. As such, there is no substance in the present application for leave to appeal, preferred by the State and the same is accordingly dismissed and disposed of.

(A.R.JOSHI, J.)