

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

CRI. WRIT PETITION NO. 3722 OF 2014

Shri Sampat Tukaram Sapkal

... Petitioner.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. U.R. Mankapure, Advocate for the Petitioner.

Ms. V.S. Mhaispurkar, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 20 JANUARY, 2015

P.C. :

1 Admit. Heard finally.

2 The Petitioner is aggrieved by the order passed by the Special Judge, Islampur, below exh. 1 in Cri. Misc. Application No. 14 of 2014, rejecting the closure report filed by the Anti-Corruption Bureau of the State. The case was registered against the Petitioner for the offence punishable under sections 13(1)(d) and (e) read with section 13(2) of the Prevention of Corruption Act. Initially, the enquiry revealed that the disproportionate assets were worth of Rs. 47,08,768/-. However, the detailed investigation revealed that the income of the petitioner and his wife during the check period was Rs. 1,67,25,950/- and the expenditure was Rs.

84,46,673/-. As such the investigating officer came to the conclusion that there were no disproportionate assets to the extent which needs prosecution of the petitioner. The closure report was rejected by the learned Special Judge by a cryptic order.

3 In my opinion, considering the report submitted by respondent no. 2 Dy. Superintendent of Police, Anti Corruption Bureau, Satara, there was no reason for the learned Special Judge to come to the different conclusion for a meager amount.

4 The Petition is allowed. The order passed by the Special Judge below Exh. 1 in Misc. Application No. 14 of 2014 is set aside.

5 The closure report submitted in Cri. Misc. Application No. 14 of 2014 shall be treated to be accepted.

(JUDGE)

.....