

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Application (APPA) No. 255 of 2015
The State of Maharashtra v. Rajesh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Mayuri Deshmukh, Adv for applicant
Mr J. B. Kasat, Adv for respondent

Coram: V. M. Deshpande, J
Date : 26th October 2015

1. Heard Ms Mayuri Deshmukh, learned APP for applicant-State and Mr J. B. Kasat, learned counsel for respondent (original accused).
2. By the present application, leave is prayed for by the prosecution to file appeal against the judgment and order of acquittal passed by the Sessions Judge, Amravati in Special (ACB) Case No. 2 of 2011 by which the respondent is acquitted of the offences punishable under Sections 7 and 13 of the Prevention of Corruption Act.
3. With the able assistance of learned APP I have gone through the notes of evidence of complainant Ab. Jabbar who is examined as prosecution witness no. 2 and shadow witness PW 1 Deokisan. After having gone through the said evidence, I am of a considered view that re-consideration is necessary in respect of appreciation of their evidence.
4. Hence leave is granted to the State to file appeal. Application is allowed.
5. Appeal is admitted. Mr J. B. Kasat, learned counsel waives service for respondent no. 1. Call for R & P.

6. Since the non-applicant is represented by learned counsel Mr J. B. Kasat, there should not be any action under Section 390 Cr. P. C.

Judge

joshi