

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1961 OF 2014

The State of Maharashtra

..APPLICANT

VERSUS

Shankar Vitthal Naik

..RESPONDENT

Mr C.V. Dharurkar, Addl. Public Prosecutor for applicant;
Mr D.A. Naik, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th September, 2016

ORAL ORDER :

Heard learned Addl. Public Prosecutor appearing on behalf of the applicant.

2. Learned Special Judge, Kopargaon, in Special Case No.1 of 2010, acquitted the respondent-accused of an offence punishable under sections 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, particularly on the ground that the evidence of P.W.3 does not repose confidence *qua* the prosecution story.

3. In my opinion, the evidence of P.W.3 Sunil is required to be re-appreciated, particularly in the light of evidence of other witnesses, namely, P.Ws.2 and 4. As such, a case for grant of leave is made out.

4. Leave granted.

(2)

5. **Admit.**

6. Mr Naik, learned Counsel waives service of notice on behalf of respondent.

7. Action under section 390 of the Code of Criminal Procedure.

(N.W. SAMBRE, J.)

amj