

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3932 OF 2015

The State of Maharashtra,
through Dy. Superintendent
of Police, Anti Corruption
Bureau, Ahmednagar ..Applicant

Versus

Mhatardeo Bajirao Sawant,
Occu. Service as Senior Clerk,
Tenancy Act [Awal Karkun-Kul Kayada]
Tahsil Office, Pathardi,
r/o. Joharwadi, Post. Khandgaon,
Tq. Pathardi, Dist. Ahmednagar ..Respondent

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Mr.R.V.Dasalkar, APP for for applicant - State

Mr.R.K.Temkar, advocate for respondent - sole

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CORAM : M.T. JOSHI, J.
DATE : JANUARY 07, 2016

PER COURT :

Heard both sides.

2] Aggrieved by acquittal of the respondent from
the offences punishable under Section 7 and 15 of
the Prevention of Corruption Act, the State wants
to prefer an appeal and therefore, present

application for grant of leave to file appeal is filed.

3] The prosecution case would reveal that the present respondent had, initially, demanded an amount Rs.10,000/- and thereafter, settled it at Rs.7,000/-, for entering the name of brother of the complainant in the record of rights in respect of an agricultural land. The respondent, during the relevant period, was working as a Senior Clerk with the Tahsildar Office.

4] It is the prosecution case that verification of the demand was also made with the present respondent and the panch witness was present at that time and even the conversation was recorded on a voice recorder.

5] Learned APP for the applicant – State submitted that if the entire conversation is

appreciated, it would show that money was demanded by the respondent. The voice recorder, however, had not clearly recorded the conversation, but demand of money by the respondent can be gathered from that conversation.

6] On the other hand, Mr.Temkar, learned counsel for the respondent opposes the application. He submits that the learned Special Judge has taken into consideration all the aspects. The work of the complainant was done one year back.

7] Learned APP for the applicant – State, answers that though the work of the complainant was done one year back, thereafter, a dispute was raised by a third party and the bribe was demanded to come over the dispute and deliver a certified copy.

8] Upon hearing both sides, without commenting on merit of the case, in my view, since arguable case

is made out, leave to file the appeal deserves to be granted.

9] In the circumstances, present application is hereby allowed. Leave to file the appeal is granted.

[M.T. JOSHI, J.]

kbp