

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

**CRIMINAL APPLICATION NO. 4096 OF 2015**

The State of Maharashtra,  
through Police Inspector,  
Anti Corruption Bureau,  
Jalgaon.

.. Applicant

Vs.

Pravin Ratnakar Mahire,  
Age : 28 years, at Present R/o. Tirora,  
Tq. Tirora, Dist. Gondia.

.. Respondent

.....  
Mr Rajendra Dasalkar, APP for applicant/State  
Mr Joydeep Chatterji, Advocate for respondent  
.....

**CORAM : M.T. JOSHI, J.**

**DATE : 19/01/2016**

**ORAL ORDER:**

. Heard both the sides.

2. By this application, the applicant herein seeks leave to file appeal against order of acquittal of the present respondent passed by Additional Sessions Judge, Jalgaon, on 22.04.2015, in Spl. ACB Case No. 5 of 2013, for the offences punishable under Sections 7, 13(1)(d)

read with Section 13(2) of the Prevention of Corruption Act, 1988.

3. The prosecution case, in brief, is that the present respondent being Deputy Collector – Special Land Acquisition Officer, had demanded bribe of Rs. 20,000/-, which was subsequently settled at Rs. 15,000/-, in order to facilitate the issuance of cheque towards the payment of compensation in an acquisition proceedings to the complainant Rajnish Moreshwar Rane, as his father who is owner of the land, was admitted to the Hospital. In the circumstances, the complaint came to be filed against the respondent.

4. The prosecution case would reveal that, the Investigating Officer had decided to have verification of the demand of bribe. Therefore, the complainant along with panch witness were sent for verification. At that time, the Investigating Officer had offered a digital voice recorder to the complainant so as to record the conversation between the complainant and respondent. The complainant, however, refused to avail of the said facility on the ground that the respondent would be suspicious. Thereafter, during the

conversation, the respondent said that he should give an amount of Rs. 15,000/- and thereafter the party proceeded to the hospital where father of the complainant was admitted and then they reached the office of the respondent. It was decided by the complainant that the amount will be paid on the next day.

. Accordingly, as per the directions, the raiding party along with the complainant and panch witness reached near the house of the respondent on the next day. Thereafter, when the respondent made a phone call to the complainant and asked as to when he would be coming and the venue and time was agreed. Therefore, the complainant and panch witness reached to the first floor of the house of the respondent. The respondent, however, kept the panch witness out of the house near the door. Panch witness from the door was able to watch respondent and to hear the conversation. Thereafter, the respondent made demand of the gratification. Accordingly, complainant handed over the decoy money to the respondent and thereupon he gave predetermined signal to the raiding party and, thereafter, the regular exercise was carried out.

5. The learned Special Judge has found that, the prosecution case is not proved beyond reasonable doubt. According to learned Special Judge, though independent corroboration in the nature of having offered voice recorder to the complainant was available, he refused for the same. Further, though the prosecution case is that the compensation amount of Rs. 3,12,000/- was to be divided between two joint owners of the land i.e. complainant's father and one another co-owner namely; Nandlal Keswani, the complainant has stated that, in fact, the amount of Rs. 20,000/- was demanded by the respondent towards issuing of cheque of Rs. 3,12,000/- i.e. the entire amount of compensation. There appears certain variances regarding the actual conversation that took place during the verification between the oral evidence of the complainant and the panch witness.

6. Further, the complainant has deposed that, in the office of the respondent Mr Tadvil Nana, Clerk has told them about the joint cheque in the name of father of the complainant and Keswani and, therefore, Mr Keswani should be called. Accordingly, Mr Keswani

was called. Though this is the prosecution case, the panch witness deposed that, he does not know any person named as Keswani and he has not even seen said Keswani in the office. However, according to prosecution, all these activities took place at the time of verification in his presence.

7. Last but not the least, while according to prosecution case, the panch witness was sent to watch the activities and hear the conversation that took place in the house. In the examination-in-chief itself, panch witness did not narrate any of the conversation that is recorded in the panchanama, but merely stated that, when the complainant had offered the decoy money, the respondent had accepted the same. The defence of the respondent was of thrusting of the amount.

8. Upon hearing both the sides, it is explicit that the reasons recorded by the learned Special Judge are based on the material placed before him. The view taken by the learned Special Judge is reasonable and probable. No perversity in the impugned judgment is found. Therefore, grant of leave to file appeal against

the order of acquittal would be an exercise in futility.

In the result, the following order.

**ORDER**

(i) The Criminal Application is dismissed.

(ii) Leave to file appeal against acquittal is rejected.

**[M.T. JOSHI]  
JUDGE**

sgp