

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

Criminal Application No. 5581 of 2015

District : Ahmednagar

The State of Maharashtra,
Through Dy. Superintendent of Police,
Anti-Corruption Bureau, Ahmednagar.

.. Applicant
(Original complainant)

versus

1. Baburao Dipaji Pawar,
Age : 57 years,
Occupation : Service,
as Asst. Commissioner,
Fisheries Department,
Class-II, Ahmednagar,
R/o. Sarang Housing Society,
Plot No. 25-A, Garkheda Road,
Ahmednagar.
2. Sayyad Irfan Umar,
Age : 50 years,
Occupation : Service,
as Asst. Fisheries Development Officer,
Class-III, Ahmednagar,
R/o. J-123, Krishna Enclave,
Near Natraj Hotel, Ahmednagar.
3. Shaikh Abdul Kadir Fakir Mohammad,
Age : 20 years,
Occupation : Pan Stall,
R/o. Baba Bangali, House No. 716,
Ahmednagar.

.. Respondents
(Original accused)

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Mr. D.V. Tele, Addl. Public Prosecutor, for the applicant.

Mr. Govind Kulkarni, Advocate, holding for

Mr. Rajendra S. Deshmukh, Advocate, for respondent no.1.

Mr. S.V. Sudrik, Advocate, for respondent nos.2 and 3.

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CORAM : N.W. SAMBRE, J.

DATE : 15TH MARCH 2016

PER COURT :

1. Heard the learned Counsel for respective parties.
2. By the present application, the applicant - State seeks leave to file appeal against the order of acquittal recorded by the learned Judge of the Special Court (ACB), Ahmednagar, in Special Case (ACB) No. 11 of 2012, vide judgment and order dated 31st July 2015, thereby acquitting present respondents (original accused) of the offences punishable under Sections 7, 12, 13(1)(d), read with Section 13(2) of the Prevention of Corruption Act 1988, and under Section 109 of the Indian Penal Code.
3. The learned Addl. Public Prosecutor submits that the acquittal of the respondents is based on wrong appreciation of evidence by the trial court and delay in lodging the FIR.
4. In my opinion, the case needs consideration.
5. Hence, the Application is allowed. Leave to file appeal is granted. Present Application be treated as memo of appeal and the same be registered and numbered as Criminal Appeal. The Application is

accordingly disposed of.

6. Appeal **Admit.**

7. The learned Counsel appearing for respondent no.1 waives service of notice upon admission of the appeal, on behalf of respondent no.1. So also, the learned Counsel appearing for respondent nos.2 and 3 waives service of notice upon admission of the appeal, on behalf of the said respondents.

8. Action under Section 390 of the Code of Criminal Procedure 1973, to follow against respondent nos.1 to 3 (original accused) before the trial Court.

(N.W. SAMBRE)
JUDGE

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