

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6432 OF 2015
IN
CRIMINAL APPEAL NO. 858 OF 2015

Gokul Pralhadsing Girase,
Age : 35 years, Occu. Service,
R/o Plot No. 82, Swami Samarth Nagar,
Korit Road, Nandurbar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. Joydeep Chatterji, Advocate for the applicant
Mr. N.T. Bhagat, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 14/01/2016

ORAL ORDER :

1. Heard both sides.
2. Pending the appeal against the conviction for the offences punishable under section 7 and 13 (1) (d) read with section 2 of the Prevention of Corruption Act, 1988, the original accused is praying for suspension of the conviction, by filing the present application.
3. Mr. Joydeep Chatterji, learned counsel for the

applicant submits that the learned Special Judge did not advert to the salient features of the evidence that the independent panch witness has categorically deposed that during the trap, in the conversation, the present appellant/applicant never made demand of money. Further, the prosecution case itself would show that in the complaint, the exact amount of demand is not specified. In such situation, he submits that the applicant is suffering due to recording of the conviction and though earlier the sentence is suspended, the conviction is required to be suspended.

4. On the other hand, learned A.P.P. points that it is the prosecution case itself that finding that the complainant, as Chairman of the Cooperative Society, had decided to gift certain items to the members of the Cooperative Society, when the present applicant/appellant i.e. the Assistant Registrar Cooperative Societies came to know about the same, he said that he should also be paid some money and he did not state about definite amount. He further told that he would lateron over a phone would specify the amount. Therefore, the complaint came to be filed. The

prosecution case would show that thereafter, the communication between the applicant/appellant and the complainant was established and in the said conversation, the applicant made a demand of Rs. 4000/-. He further submitted that even during the verification exercise, the said fact was gathered. A tape-recorder was used for recording the conversation at the time of trap and the transcription of the said recording would show that in fact, the demand was made.

5. Upon hearing both sides, in my view, there are no special circumstances for suspension of the conviction. The merit of the case will have to be appreciated during the final hearing of the appeal. At this stage, therefore, no comments on merit are required. In the circumstances, the following order:-

6. The application is hereby dismissed.

[M.T. JOSHI]
JUDGE