

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.7021 OF 2015

The State of Maharashtra,
Through the Police Inspector,
Anti Corruption Bureau,
Aurangabad.

...APPLICANT
(Orig. Complainant)

VERSUS

Sahebkhani Gulsherkhan Pathan,
Age-45 years, Occu:Government Service,
R/o-T.V. Center, Police Colony,
Aurangabad.

...RESPONDENT
(Orig. Accused)

...
Mr.B.V. Virdhe, A.P.P. for Applicant - State.
Mr.N.S. Ghanekar Advocate for Respondent
Absent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 15TH FEBRUARY, 2016

ORAL ORDER :

1. Heard learned A.P.P. for State. Notice is

yet not issued in this matter seeking leave against acquittal. Perused record. It is a trap case under the Prevention of Corruption Act. The learned A.P.P. has taken me through the observations of the trial Court for the acquittal of the accused.

2. There is evidence of PW-2 and PW-3 regarding trap discussed. It appears presence of Complainant was not secured. Question of appreciation of evidence of trap laying officer is there. Respondent-accused is police constable. Going through the Judgment and reasons, it appears necessary to re-appreciate the material available and the reasons recorded by the trial Court. As such leave is granted. The Application is allowed. Application be converted into Appeal.

3. Appeal is **Admitted**.

4. Action under Section 390 of Cr.P.C. be

taken against Respondent-accused in the trial Court.

5. Paper Book be got prepared.

[A.I.S. CHEEMA, J.]

asb/FEB16