

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.62 OF 2016
(FOR LEAVE TO FILE AN APPEAL)**

The State of Maharashtra

.... Applicant
(Orig. Complainant)

versus

Subhashchandra Ramkrishna Bansal

... Respondent
(Orig. Accused)

Mrs.M.R. Tidke, APP for the State/applicant.
Mr.Aniket U. Nikam, for the respondent.

CORAM : A.M.BADAR, J.
DATE : 17th NOVEMBER, 2016

P.C. :

1. Heard learned APP as well as the learned counsel appearing for respondent/accused. Perused the impugned judgment and order passed by the learned Special Judge, in Special Case No.38/10 acquitting respondent/accused of the offence punishable under section 7 and 13(1)(d) r/w 13(2) of Prevention of Corruption of Act.

2. Section 3 of the Evidence Act defines the term 'proved' and standard set are standards of a prudent person. It appears that

learned Trial Judge wanted proof of mathematical precision. Similarly, it appears that evidence of the complainant as well as the trapped witnesses is appreciated perversely. Ratio of the judgment of the Honourable Supreme Court in the case of *Maha Singh, versus State (Delhi Administration) 1976 AIR SC 449*, appears to have been overlooked by the Trial Court. In this view of the matter following order:

ORDER

1. Leave granted.
2. Appeal is admitted.
3. Call for Records and Proceedings.
4. The learned counsel for the respondent waives notice.
5. In the meanwhile action under section 390 of Cr.P.C. before the Trial Court.

(A.M. BADAR, J.)