

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

CRIMINAL APPLICATION (APPA) NO.586 OF 2015

IN

CRIMINAL APPEAL NO. 61 OF 2016

(State of Maharashtra, through SO City Kotwali PS, Amravati ..vs.. Anil Gunwantrao Dhonde and
another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 16-02-2016

Heard Shri A.K. Bangadkar, learned Additional Public Prosecutor for the applicant and Shri R.M. Daga, learned Advocate for the non-applicants.

Accepting the explanation given in paragraph No.2 of the application, the delay in filing the appeal, though is substantial, it is condoned.

The criminal application is allowed.

Criminal Application (APPA) No.113 of 2016.

The applicant-State of Maharashtra is seeking leave to file appeal to challenge the judgment passed by the Sessions Court acquitting the non-applicants for the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

With the assistance of the learned Additional Public Prosecutor and the learned Advocate for the non-

applicants, I have examined the documents placed on the record of the appeal. The learned Additional Sessions Judge has exhaustively considered the evidence brought on the record by the prosecution and has recorded that the prosecution has failed to establish that there was personal contact between the complainant and the accused on the relevant date and the prosecution has not produced call data report to show that the complainant had contacted accused on Cell phones on 13-03-2007 and 14-03-2007. The learned Additional Sessions Judge has recorded that the prosecution has failed to prove that there was demand of illegal gratification by the accused to show favour to the complainant. The learned Additional Public Prosecutor has not been able to point out any perversity in the findings recorded by the learned Additional Sessions Judge.

I do not find that this is a fit case for grant of leave under Section 378(3) of the Code of Criminal Procedure.

The criminal application is rejected. Consequently, the appeal is rejected.

JUDGE