

-1-

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

CRIMINAL APPLICATION NO. 1208 OF 2016

**THE STATE OF MAHARASHTRA
VERSUS
RAJARAM BABAN BHAND**

...

**APP for Applicant : Mr.P.N.Kutti
Advocate for Respondent : Mr.Tandale Kakasaheb J.**

...

CORAM : V.L.ACHLIYA,J.

DATE : 22/02/2017

PER COURT :-

The applicant has filed this application seeking leave to file an appeal against the judgment and order dated 30/12/2015 passed by Special Judge, Ahmednagar. By the impugned judgment, the learned Special Judge has acquitted the accused under Section 7(13)(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2] Heard learned APP for the State and Advocate for respondent and further perused the impugned judgment and order.

3] The respondent-accused was tried for offence punishable under Section 7, 13(1) (d) read with Section 13(2) of Prevention of Corruption Act, 1988 with an allegation that to show favour to complainant in the case, the accused has demanded gratification of Rs.6000/-. Pursuant to the complaint lodged, the trap was led and the accused was caught red handed while accepting the bribe

amount. The trial Court has acquitted the accused by observing that the sanction granted was not proper and further the prosecution has failed to prove its case beyond reasonable doubt. The accused has been given benefit of doubt.

4] Upon considering the submissions advanced in the light of judgment and order passed by trial Court, I am of the view that arguable case has been made out to entertain the appeal.

Hence the following order :

ORDER

- i] **Admit**
- ii] On admission of appeal, Mr.Tandale, learned counsel for respondent waives service of notice of Appeal for respondent.
- iii] Action as contemplated u/s 390 of Cr.P.C. to follow.
- iv] Call Record and proceeding with paper book.

(V.L.ACHLIYA,J.)

umg/