

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1665 OF 2016

The State of Maharashtra,
The Police Inspector,
Anti Corruption Bureau,
Jalgaon.

...APPLICANT

VERSUS

- 1) Vikas Ananda Patil,
Age-40 years, Occu:Police Constable,
R/o-Sujada Nagar, Shendurni,
Tq-Jamner, Dist-Jalgaon,
- 2) Ishwar Ramdas Deshmukh,
Age-53 years, Occu:Police Constable,
R/o-Vrundavan Nagar Housing Society,
Pachora, Tq-Pachora, Dist-Jalgaon

...RESPONDENTS

...
Mrs.P.V. Diggikar Advocate for Applicant.
Mr.V.B. Patil, A.P.P. for Respondents.

...

CORAM: S.S. SHINDE, J.

DATE : 6TH DECEMBER, 2017

ORDER :

1. Heard learned A.P.P. appearing for the

Appellant and learned counsel appearing for the Respondents. There is delay of 43 days in filing the Application seeking leave to appeal. Though the prayer is vehemently opposed by learned counsel appearing for the Respondents, for the reasons stated in the Application, the delay stands condoned.

2. Upon careful perusal of the findings recorded by the trial Court, this Court is of the prima facie opinion that the trial Court has not properly appreciated the evidence of the prosecution witnesses and in particular evidence of PW-2 Dhanu Rathod that there was demand by accused No.1 Vikas Patil and pursuant to it the amount was accepted. Prima facie, considering the evidence on record in respect of trap laid, anthracene powder noticed on both the hands of accused Vikas Patil and on the right hand of accused Ishwar Deshmukh, this Court is of the opinion that case is established for allowing the Application seeking leave to appeal. Hence the

Application is allowed and the same stands disposed of.

3. Registry to register the Appeal.

4. Appeal **Admit**. On admission, Mr. Patil, learned counsel waives service for Respondents.

5. Action under Section 390 of Cr.P.C. to follow against the Respondents before the Additional Sessions Judge, Jalgaon.

6. At this stage, learned counsel appearing for the Respondents submits that due to pendency of present Appeal, the Respondents may not be considered for the promotion or any other service benefits. As on today no any specific case is made out. When such occasion arises in future, liberty to move this Court.

[S.S. SHINDE, J.]