

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
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appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 1525 OF 2017

THE STATE OF MAHARASHTRA
VERSUS
SALIM AMIR SHAIKH

...
APP for Applicant - State : Smt. S.S. Raut.
Advocate for Respondent : Mr.D.V. Tele.

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CORAM : V.L. ACHLIYA, J.
Dated: JUNE 13, 2017

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Applicant – State has taken out this application seeking leave to file appeal against the judgment and order of acquittal passed by the learned Sessions Judge, Osmanabad in Special (A.C.) Case No.3/2012. Respondent – accused was subjected to face charge under section 7 and 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, 1988. On conclusion of trial, the trial Court has acquitted the accused by observing that prosecution has failed to prove its case beyond reasonable doubt.

2 Having heard submissions advanced by learned APP appearing for the State and

learned Counsel representing respondent – accused and further perusing impugned judgment and order passed by the trial Court, it appears from the record that the prosecution has adduced evidence as per its case. The witnesses have supported the case of the prosecution. Accused has taken defence that he has been falsely implicated at the behest of the complainant as previously had not accepted his tender. It is further case of the accused that no work was pending at the time of alleged demand and laying the trap by the Anti Corruption Bureau. The bills were already signed and approved by the accused.

3 In order to appreciate submissions advanced, I have perused the impugned judgment and order passed by the trial Court. At this stage, it is not desirable to make any detailed observations as to the merits of the case. It appears from the judgment and order that acquittal was based mainly on the ground that the bills were already signed by the accused and investigation has not seized the pen with which bills were signed. In my view, arguable case has been made out to be considered in appeal. Accused was found

in possession of bribe amount. It is defence of the accused that amount was forcibly put in the rear pocket of his pant. In this view, the matter requires consideration in appeal. I am, therefore, inclined to grant leave to file appeal.

4 Accordingly, application seeking leave to file appeal is allowed. Appeal be registered and placed for admission on 21.6.2017. Mr.Tele, learned Counsel waives notice for respondent.

Application stands disposed of.

(V.L. ACHLIYA,J)