

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.26 OF 2016

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

AVINASH MOHAN SHINDE)...RESPONDENT

Ms.V.S.Mhaispurkar, APP for the Applicant – State.

None for the Respondent.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2017.

P.C. :

1 Heard the learned APP. None appeared for the respondent. Perused the impugned judgment and order of acquittal as well as the evidence of complainant – Maruti Shinde and that of PW4 Rajesh Chavan. According to the prosecution case, the respondent / accused had demanded and accepted illegal gratification amounting to Rs.5,000/- as a motive or reward for not seizing the motorcycle and 2.5 tolas of golden ornament which were subject matter of the crime.

Prima facie, evidence of complainant and the panch witnesses shows demand and acceptance of illegal gratification. Hence, leave as prayed is granted.

2 Admit. Call for Record and Proceedings. Notice to respondent.

3 In the meanwhile, action under Section 390 of the Code of Criminal Procedure before the trial court.

4 The application be treated as Memo of Appeal.

(A. M. BADAR, J.)