

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 29 OF 2017
(for Leave to file Appeal)**

The State of Maharashtra	Applicant
Versus	
Jayraj Rajendra Nimbalkar	Respondent

Mr. Prashant Jadhav, APP for the applicant.
None for the respondent.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 14th NOVEMBER, 2017***

P.C. :

1. By this application, the State has sought leave to challenge the judgment dated 15th December, 2016 in Special Case (ACB) No.41 of 2012 whereby the learned Additional Sessions Judge, Baramati has acquitted the aforesaid respondent of offences punishable under Section 7 and 13(1)(d) r/w. 13(2) of The Prevention of Corruption Act.

2. Heard the learned Counsels for the respective parties. I have perused the records. The learned Judge has acquitted the respondent mainly on the ground that the demand of bribe of Rs.1 lakh is not recorded in the conversation under pre-trap panchnama. The learned Judge has also taken note of the fact that the alleged demand was on 14th June, 2012 which was reported to PI-ACB, Pune on 15th June, 2012. It is on record that even before the date of actual demand, PI-

ACB, Pune had requested the witnesses to remain present for pre-trap panchnama.

3. In the light of the above discrepancies, the learned Sessions Judge had held that the charge against the respondent are not proved beyond reasonable doubt. The findings recorded by the learned Judge are based on the evidence on record and are neither illegal nor perverse. The view taken by the learned Judge is probable. Hence, the learned Sessions Judge was justified in acquitting the respondent/accused. The order does not warrant interference. Hence, application for leave to appeal is rejected.

(SMT. ANUJA PRABHUDESSAI, J.)