

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

**CRIMINAL APPLICATION NO. 68 OF 2017
(for leave to file appeal)**

The State of Maharashtra	Applicant
Versus	
Ravishankar Suryabali Pandey & Anr.	Respondents

Mr. H.J. Dedhia, APP for the applicant.
Mr. Ramnath V. Kini for respondent no.2.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 15th DECEMBER, 2017***

P.C. :

1. By this application, the State has sought leave to challenge the judgment dated 12th January, 2017 whereby the learned Special Judge (Under the P.C. Act), Greater Mumbai has acquitted the respondents of offences under section 12 r/w. Section 7 of the Prevention of Corruption Act, 1988.

2. Heard Mr. H.J. Dedhia, learned APP for the appellant and Mr. Ramnath V. Kini for respondent no.2. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records *prima facie* reveals that the respondents had offered bribe of Rs.10,000/- to PW1-Prashant Dilip More who is the police officer investigating the crime registered against one Ratnakar Pandey.

It is the case of the prosecution that respondents offered bribe to PW1 to curtail the said investigation and help Ratnakar Pandey. Pursuant to the first information report lodged by PW1, crime was registered. Verification of complaint was done. Thereafter, trap was laid and both the respondents were caught and the money paid by them had also been recovered.

4. It is seen that the learned Special Judge had acquitted the respondents mainly on the ground that the panchas have turned hostile and thus not corroborate the evidence of PW1. The learned Special Judge has also held that the certificate issued under section 65(B) of the Evidence Act is defective and does not incorporate all the required particulars.

5. *Prima facie*, there is no reason to disbelieve the evidence of PW1. Arguable points are raised. Hence, leave is granted to file appeal. Provisions under section 390 of Criminal Procedure Code be complied with. Appeal be registered.

6. Criminal Application No. 68 of 2017 stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)