

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

CRIMINAL APPLICATION NO. 83 OF 2017

The State of Maharashtra ..Applicant

v/s.

Rahul Dharmaji Sagvekar ..Respondent

Mrs. N.S.Jain APP for the Applicant.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 21, 2017.**

P.C.

1. Heard.
2. The State has sought leave to challenge the judgment dated 18th April, 2017 whereby the learned Special Judge, Ratnagiri has acquitted the respondent of offences under Section 7 and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988.
3. The learned Judge has held that the prosecution had failed to prove the demand. I have perused the notes of evidence which are placed on record. The evidence of the first informant prima facie reveals that the applicant who at the relevant time was working as a Circle Officer had demanded bribe of Rs.5000/- to change the mutation entries. The testimony of the first informant as well as PW2 prima facie proves the demand of Rs.5000/- and further payment of Rs.5000/- to the respondent. The evidence on record also prima facie reveals that the notes which were smeared with anthracin powder were recovered from the pocket of the respondent accused.

4. Considering the above facts, in my considered view, arguable points are raised. Hence leave is granted.
5. Registry to comply with the provisions of Section 390 of Cr.P.C.

(ANUJA PRABHUDESSAI, J.)