

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

CRIMINAL APPLILCATION NO. 108 OF 2017
(For Leave to Appeal)

The State of Maharashtra

..Applicant

v/s.

Smt. Shraddha Rajesh Patil & Anr.

..Respondents

Mr.Y.M.Nakhawa APP for the Applicant.

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

P.C.

1. By this application the State has sought leave to file appeal against the judgment dated 28th April, 2017, whereby the learned Special Judge (Under P.C. Act), Gr. Mumbai has acquitted the respondents of offences under Section 10, 8, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act.
2. Heard the learned APP for the State. I have perused the records.
3. The respondent No.1 is a Corportor and the respondent no.2 is her husband. The first informant is the President of Ekta Berojgar Seva Sahakari Sanstha, Mahim. The said sanstha was allotted the work of cleaning certain areas under the scheme of “Swachchh Mumbai Prabhodhan Abhiyan” initiated by the Municipal Corporation of Gr. Mumbai.
4. On 11th August, 2014, PW1-Amit Vaidya had given a written

complaint to PW7 – Police Inspector Chandramohan Dubey, who at the relevant time was attached to ACB Office, Mumbai. The records reveal that PW7 Chandramohan Dubey had not registered the FIR based on the report lodged by PW1 on 11th August, 2014. PW7 had not taken any steps to verify the authenticity of the said report till 20th August, 2014. His testimony indicates that he had decided to verify the contents of the complaint on 20th August, 2014, as the first informant had told him that he would be meeting the accused on the said date.

5. The records also indicate that the Investigating Officer, PW7 had laid trap and conducted the panchanama on 21st August, 2014, on which date notes smeared with anthracin powder, which were allegedly given by the complainant to the accused no.2, were recovered from the house of the respondent no.2/accused no.2. Till such time, no FIR was registered against the accused. The FIR was registered a day later i.e. on 21st August, 2014 at 2.00 a.m. PW7 had not given any explanation for not registering the FIR and for conducting the investigation without registering the FIR.

6. Furthermore, PW7 has admitted in his cross examination that the accused no.1 who in fact is a public servant, had not demanded the bribe amount from the complainant. If that be so, it is not understood as to how the accused were booked for committing offence under Prevention of Corruption Act. The learned Special Judge has taken note of the above discrepancies and has acquitted the accused of the aforesaid offences.

7. The findings of the learned Judge are based on the evidence on record and do not suffer from any illegality or

perversity. Hence, no case is made out for grant of leave to appeal.

8. It need not be emphasized that the Prevention of Corruption Act was enacted to combat corruption which is a bane of the society. These offences can have serious impact on the society and are required to be investigated efficiently and effectively. In the instant case, for the reasons best known, PW7 Chandramohan Dubey had registered the FIR 10 days after lodging of the complaint and that too after commencing the investigation. The records reveal that PW7 has conducted the investigation in a most casual manner. This is certainly a very unhealthy situation which needs to be curbed. Hence, a copy of the judgment of the Special Judge, Greater Mumbai in A.C.B. Special Case No.9 of 2015 be forwarded to the Addl. Commissioner of Police, ACB, Mumbai with direction to look into the matter and fix the responsibility and take appropriate action, if necessary.

. With the above order, the application stands dismissed.

(ANUJA PRABHUDESSAI, J.)