

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.143 OF 2015

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

SUDHAKAR RAM DEDHE AND ANR.)...RESPONDENTS

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

CORAM : A. M. BADAR, J.

DATE : 6th MARCH 2017.

P.C. :

1 Heard the learned APP. Perused the impugned judgment and order of acquittal of respondent of offences punishable under Sections 7, 12, 13(1)(d) read with 13(2) of the Prevention of Corruption Act.

2 Prima facie, it is seen that the prosecution has proved demand and acceptance of illegal gratification by accused persons from evidence of complainant PW1 Rajendra Kadam and eye witness to the incident PW2 Sachin Wavare. Prima facie, it is seen

that reasoning for the acquittal of accused persons is perverse and exaggeratedly adhering to the rule of benefit of doubt. The learned trial court, as one of the reasons of the acquittal, found evidence of the prosecution unworthy for reliance, as the witness has not clarified whether the left pocket was that of shirt or pant. What is relevant is, whether the doubt is genuine. Trivial inconsistency in version of the prosecution cannot be given much importance. It is seen that tainted currency notes were recovered from accused persons. In this view of the matter, case for grant of leave is made out. Therefore the order :

- i) Leave granted.
- ii) Memo of Application for grant of leave be treated as Memo of Appeal.
- iii) Admit.
- iv) Issue notice to respondent.
- v) Call for Record and Proceedings.

(A. M. BADAR, J.)