

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.139 OF 2016

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

MILIND AMBADASRAO KADAM)...RESPONDENT

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

CORAM : A. M. BADAR, J.

DATE : 3rd FEBRUARY 2017

P.C. :

1 This is an application for leave to appeal by the State for challenging the judgment and order of acquittal recorded by the learned Special Judge, Mumbai, in ACB Special Case No.5 of 2016 thereby acquitting the accused of offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act.

2 Heard the learned APP appearing for the State and perused the record made available. Prima facie, it is seen that

demand and acceptance is proved by the prosecution by adducing evidence of the complainant, his son, as well as shadow panch. Tainted currency notes were recovered from the accused.

3 In this view of the matter, prima facie case is made out for granting leave. Therefore the order :

- 1) The application is allowed.
- 2) Leave granted.
- 3) The application be considered as Appeal.
- 4) Admit.
- 5) Issue notice to the respondent, returnable after 8 weeks.
- 6) Call for Record and Proceedings.
- 7) In the meanwhile, action under Section 390 of the Code of Criminal Procedure.

(A. M. BADAR, J.)