

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.371 OF 2015

IN
CRIMINAL APPEAL NO.....

Central Bureau of Investigation, ACB, Nagpur

..VS..

Shyamrao s/o Shrawan Sukhdeve and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Mrs. Mugdha Chandurkar, Counsel for the applicant.
Shri Anil S. Mardikar, Senior Counsel with Shri Sumit
Joshi, Adv. for non-applicant No.1.
Shri N.S. Khandewale, Counsel for non-applicant No.2.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 22, 2017.

Heard learned counsel Mrs. Mugdha
Chandurkar for the applicant, learned senior
counsel Shri Anil S. Mardikar with Advocate Shri
Sumit Joshi for non-applicant No.1, and learned
counsel Shri N.S. Khandewale for non-applicant
No.2.

This is an application for seeking leave
to file appeal against judgment and order of
acquittal passed by learned Special Judge, CBI
Court (ACB), Nagpur in Special Case No.4 of 2009
dated 25.6.2014 acquitting both the non-applicants

.....2/-

for the offences punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and Section 120-B of the Indian Penal Code.

Record shows that non-applicant No.1 has touched the marked notes and solution was turned purple. There is no plausible explanation offered by the accused persons in order to discharge statutory presumption.

In that view of the matter, *prima facie* I feel the matter needs re-consideration.

The criminal application is allowed. Leave is granted to the applicant to file appeal.

The criminal appeal is ADMITTED.

Learned senior counsel Shri Anil S. Mardikar waives service on behalf of non-applicant No.1, and learned counsel Shri N.S. Khandewale waives service on behalf of non-applicant No.2.

JUDGE

!! BRW !!

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