

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

CRIMINAL APPLICATION NO. 867 OF 2017

IN

CRIMINAL APPEAL 367 OF 2017

(Shrikant s/o. Vishnu Rathod...VS.. The State of Maharashtra thr PSO PS Ramnagar,
ACB, Chandrapur)

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

Court's or Judge's orders.

Mr. Abhay Sambre, counsel for the appellant.
Mr. A.V. Palshikar, APP for the respondent.

CORAM: ROHIT B. DEO, J.

DATE: 8th DECEMBER, 2017.

Heard.

2 The appellant who is convicted of offence punishable under section 12 of the Prevention of Corruption Act, is seeking suspension of conviction *inter alia* on the ground that even if the evidence on record is accepted at face value, the appellant who then was a raw recruit could not have been convicted for having abetted the offence.

3 The learned Sessions Judge relying on the evidence of Investigating Officer – PW 3 has recorded a finding that the fact that the appellant swallowed the currency notes when apprehended is an incriminating circumstance.

4 The appellant may have an arguable case on

merit. However, since the offence proved is under Prevention of Corruption Act, I do not find any exceptional or compelling case to stay the conviction.

5 Application is rejected.

JUDGE

R S Belkhede, PA