IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 20 OF 2017

The State of Maharashtra … **Applicant**

V/s.

Sunil Pandalik Patole … **Respondent**

Mrs. Anamika Malhotra for the Applicant/State.
Mr. Tejas Dande a/w Niranjan Bhavke APP for the Respondent No.1.

CORAM : A.S.GADKARI, J.
DATE : 28th FEBRUARY, 2018

P.C.:

. By this application under Section 378(3) of Cr.P.C., Applicant/State seeks leave to file Appeal against the Judgment and Order dated 14.12.2016 passed by the learned Special Judge, Kolhapur in Special Case No. 17 of 2017 thereby acquitting the Respondent under Section 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2 Heard the learned APP. Perused the record.

The record indicates that the Trial Court has acquitted the Respondent on the ground that prosecution has failed to prove demand and acceptance of the alleged bribe amount by the Respondent. That, the alleged sanction produced by the prosecution for prosecuting the Respondent under Section 19 of the Prevention of Corruption Act, 1988 was not a valid sanction in the eyes of law.

The Trial Court after taking into consideration the said vital aspect of the matter, was pleased to acquit the Respondent by the impugned order.

3 After perusing the record, this Court is of the opinion that, the view adopted by the Trial Court is probable view in the facts and circumstance of the present case. That the learned Special Judge, Kolhapur has not committed any error either in law or on the facts while passing the impugned Judgment and Order.

4 Application is accordingly, rejected.

(A.S.GADKARI, J.)