

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 44 OF 2017**

The State of Maharashtra

....Applicant.

Vs.

Smt. Maya Durjan Bankar

....Respondents.

Mr. V.V. Gangurde for the Applicant-State.

Mr. A.M. Gedam, for the Respondent.

**CORAM : A. S. GADKARI, J.**

**DATE : 26<sup>th</sup> MARCH, 2018.**

**P.C.-**

This is an Application under Section 378 (3) of Cr. P.C. for leave to file Appeal against the Judgment and Order dated 31<sup>st</sup> July, 2015, passed by the learned Special Judge, Pune Under Prevention of Corruption Act, 1988 in Special Sessions Case No. 27 of 2013, thereby acquitting the Respondents under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2           Heard the learned APP and the learned counsel for the Respondents. Perused the record.

3           The record reveals that, though the trial was conducted against two accused persons, the present Appeal has been filed against Original Accused No.1 only. The evidence on record clearly indicates that the Original Accused No.1 who, at the relevant time, was the in-

charge of Shivajinagar Police Station, in fact did not demand any amount from the complainant. That, due to her mediation, a settlement took place between the complainant Yakub Hussain Shaikh and Iqbal Shaikh. That, at the time of verification of the demand, the Respondent No.1 expressed her surprise about the utterances made by the complainant, pertaining to the payment of alleged bribe amount. That, it is categorical and specific defence of the Original Accused No.2- Shri Rajendra Raut that, the complainant Yakub Hussain Shaikh thrust the tainted amount in his pocket by saying that, the said amount was to be given to Iqbal Shaikh. The defence adopted by the Original Accused No.2 appears to be a bonafide and reasonable defence.

4           After perusing the record, this Court is of the opinion that the prosecution has clearly failed to prove the offence against the Respondents beyond reasonable doubt and therefore, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file Appeal is made out.

5           Application is accordingly, rejected.

**(A.S. GADKARI, J.)**