

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.100 OF 2017

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

CHHAYA LAHU DAHADE)...RESPONDENT

Ms.Anamika Malhotra, APP for the Applicant – State.

Mr.Sariputta Sornath a/w. Sumedh Waghmare, Advocate for the Respondent.

CORAM : A. M. BADAR, J.

DATE : 20th JUNE 2018

P.C. :

1 This is an application for leave to appeal by the State for challenging the acquittal of the respondent/accused of offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act.

2 Heard both sides. The learned advocate appearing for the respondent/accused argued that evidence of prosecution is

discrepant and the case is that of thrusting the tainted currency notes in the basket and that too without knowledge of the accused. He drew my attention to evidence of prosecution witnesses to point out the discrepancies.

3 I have carefully considered the rival submissions and also perused the record made available. Complainant is a student belonging to OBC Category and as such, he was entitled for refund of half of the tuition fees paid by him. He approached the respondent/accused for refund of half of his tuition fees and that was the cause of demand of illegal gratification.

4 The tainted currency notes were found at the desk of the respondent/accused. There is evidence of demand as well as acceptance. Appreciation of this evidence will have to be undertaken at the time of final hearing of the appeal. The prosecution has made out a case for grant of leave to appeal. Therefore, the order :

ORDER

- 1 Leave, as prayed, is granted.
- 2 The Criminal Application for leave to Appeal be treated as
 “Memo of Appeal” after effecting necessary amendments by
 the learned APP for the Applicant.
- 3 The learned advocate appearing for the respondent waives
 notice.
- 4 In the meanwhile, call for Record and Proceedings.
- 5 In lieu of action under section 390 of the Code of Criminal
 Procedure, the respondent to execute P.R.Bond in the sum of
 Rs.15,000/- before the learned trial court.

(A. M. BADAR, J.)