

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.354 OF 2018
IN
CRIMINAL APPLICATION (ALS)145 OF 2019**

The State of Maharashtra Applicant

Vs.

Avdhut Waman Kushe & Anr. Respondents

Mr. S.V. Gavand, APP for the State.

Mr. Sharad S. Mulik for Respondent nos. 1 and 2.

Coram : NITIN W. SAMBRE, J.

Date : 9th December 2019

P.C.:

1. Heard.

2. For the reasons disclosed in the application, the delay stands condoned. The application is allowed.

3 The appeal is directed against acquittal of the respondent-accused in Special Case (Anti Corruption) No. 2 of 2014 vide judgment dated 17th January, 2018 passed by learned Additional Sessions Judge, Islampur.

4. The trap was successful, however, the Sessions Judge has accepted the defence of the accused, which prima facie appears to be in view of recovery. As such, leave granted.

2. **Admit.** Learned APP for the State waives service of notice.

4. Call for records and proceedings.

5 Action under Section 390 of the Code of Criminal Procedure be taken. Accused are admitted to bail on the same terms and conditions on which they were ordered to be released by the Court below.

(NITIN W. SAMBRE, J.)