

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

CRIMINAL APPLICATION (APPA) NO.923/2019

AND

CRIMINAL APPEAL NO...../2020

**State of Mah., thr. PSO PS Jiwati, Anti Corruption Bureau Branch, Taluka
and District Chandrapur**

..VS..

Vitthal Natthuji Nakhate

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

Court's or Judge's Order

.....
Shri S.M.Ghodeswar, Addl.P.P. for the Applicant.
Shri M.V.Rai, Counsel for the Non-applicant.

CORAM : V.M.DESHPANDE, J.

DATED : FEBRUARY 5, 2020.

1. This is an application by the State for grant of leave to file an appeal against acquittal.
2. Heard learned Additional Public Prosecutor Shri S.M.Ghodeswar for the applicant/State and learned counsel Shri M.V.Rai for the non-applicant. Also, perused evidence of PW2 and impugned judgment and order dated 30.11.2017 passed by learned 3rd Additional Sessions Judge and Special Judge, Chandrapur in Special ACB Case No.16/2011 acquitting the non-applicant of offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. In my view, second thought is necessary to the impugned judgment and order.

.....2/-

3. Hence, for reasons stated in the application, the application is allowed. Leave to file appeal is granted. The criminal application is disposed of accordingly.

CRIMINAL APPEAL NO...../2020

4. Heard.

5. **Admit.** Call record and proceedings.

6. Since the respondent is represented through his counsel, no action under Section 390 of the Code of Criminal Procedure should be taken against him.

JUDGE

!! BRW !!

...../-