

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****APPLN. FOR LEAVE TO APPEAL BY STATE NO. 42 OF 2021****THE STATE OF MAHARASHTRA****VERSUS****RAJENDRA TULSHIRAM VELDODE**

...

APP for Appellant : Smt. G. L. Deshpande

Advocate for Respondents : Mr. Pratap Patil h/f Mr. Salunke Sudarshan J

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CORAM : KISHORE C. SANT, J.**DATE : 28th SEPTEMBER 2022.****Per Court :**

Heard. learned APP for State and learned Advocate for the Respondent.

1. The learned APP has taken me through the evidence of PW-1 and PW-2. She has also pointed out the report of the Forensic Lab in respect of the voice recording, of which transcription is already on record. Prima-facie, she submits that a case is made out as the previous demand is proved, so also acceptance of the amount by the Respondent.

2. The learned Advocate for the Respondent pointed out some contradiction about the timing of giving complaint in the office of Anti Corruption Bureau ('A.C.B.' for short). He also pointed out the contradiction in both statements of PW-1 and PW-2, in which PW-1 states that the complaint was written in the office of A.C.B. by the Complainant, whereas PW-2 states that the Complainant had written the complaint before coming to office of A.C.B.

3. Considering the evidence of PW-1, PW-2 and report of the Forensic Lab, it is clear that the case is made out to grant leave to file an appeal against acquittal. Leave granted. The Application is allowed.

4. Appeal is admitted. Office is directed to register the appeal.

5. Action under Section 390 of the Code of Criminal Procedure, 1973 be taken.

[KISHORE C. SANT, J.]

Najeib.