

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

40 APPLN. FOR LEAVE TO APPEAL BY STATE NO.138 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
MUKESH BHANUDAS CHAVAN

...

APP for Applicant – State : Mr. S.N. Morampalle
Advocate for Respondent : Mr. Joydeep Chatterji

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CORAM : R. M. JOSHI, J.
DATE : AUGUST 7, 2023

PER COURT :

. Heard.

2. Perusal of the evidence of complainant shows that there are admissions given by him in the cross-examination that since he had to visit the office of the accused for three to four times and there was a grudge, he lodged complaint. There is no re-examination conducted by the learned APP.

3. Apart from this, his evidence further shows that at the time of the trap he claims to have been present in the office of accused. It is candidly admitted that the accused did not demand any money

from him. He states that right side drawer of table of the accused was open. According to him, since he was tired of waiting for 10 minutes, he kept the money in the drawer. He further accepts that when police asked him about the money, he told to the police that the same is kept in the drawer of the accused person.

4. Even accepting the other allegations of the prosecution against accused to be true, there is no evidence to show that at the time of the trap the accused made any demand of bribe nor there is evidence to indicate that the accused has accepted the tainted money. Only inference which can be drawn from the admissions of the complainant that the complainant had grudge against accused as he was required to visit the office three to four times and hence the possibility of he keeping tainted money in the drawer of the accused cannot be ruled out. In such circumstances, no case is made out for granting leave to appeal. Hence, application stands dismissed.

[R. M. JOSHI]
JUDGE

GGP