

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 APPLICATION FOR LEAVE TO APPEAL BY STATE
NO. 195 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
MANGESH SHANKAR LOKHANDE

...
Mr. R.D. Sanap – APP for Applicant, State
Mr. P.A.,. Bhosle – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th October, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – State is seeking leave to file appeal against the acquittal of respondent – accused in Special (A.C.B.) Case No.31 of 2014 under judgment and order dated 01.06.2019 passed by learned Additional Sessions Judge, Jalna.
3. Though the learned A.P.P. strongly submitted that, the learned Additional Sessions Judge, Jalna erred in acquitting the accused from the offence punishable under Sections 7, 13

(1)(d) read with 13 (2) of the Prevention of Corruption Act, 1988, but on the perusal of judgment, it is evident that P.W. - 2, Panch - Rajkumar Kale who had accompanied the informant at the time of trap has given vital admissions whereby it can be seen that, the respondent - accused had not in fact demanded bribe from the informant but the topic of bribe was opened by the informant himself. Further, the transcript of telephone talk between the complainant and the respondent - accused was not audible as per panch - Rajkumar Kale.

4. Further, the respondent - accused was not entrusted with the work of certifying the mutation entry and it was the job of Circle Officer. Moreover, there is also an admission that, the respondent - accused was ready to do the work of informant without demanding or accepting any amount. Most interesting part is that, there was no application from the informant for certification of any Mutation entry.

5. Learned Counsel for the respondent - accused by pointing out the aforesaid admissions strongly opposed the

application. Thus, on the basis of the aforesaid admissions, it is clearly evident that, the prosecution has not established the basis ingredients of the offence registered against the respondent – accused. As such, I am not inclined to grant any leave as prayed by the learned A.P.P. and accordingly the application stands rejected.

6. The application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE