

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION FOR LEAVE TO APPEAL
BY THE STATE NO. 231 OF 2019**

The State of Maharashtra

Applicant

Versus

Ravindra s/o Arjunrao Tandale & another Respondents

Mr. R. D. Sanap, APP for the Applicant

Mr. Joydeep Chatterji, advocate for Respondents

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st NOVEMBER, 2023.

P.C. :

1 Heard rival submissions.

2 The applicant-State, through Dharmabad Police Station, is seeking leave to challenge the acquittal of present respondents who are original accused for the charge under Section 7 read with Section 13 (1) (d) and 13 (2) of the Prevention of Corruption Act in ACB Case No.5 of 2015, recorded under judgment and order dated 23.07.2019.

3 The impugned judgment itself indicates that though
the complainant has supported the prosecution in the Chief-
examination, but in the cross-examination he has given
certain vital admissions which have shattered the case of the
prosecution. According to him, the amount, which was to be
given to the accused, was not a bribe amount but it was an
amount for carrying out the repairs to be paid to one
Contractor Mr. Chavan. Further, from the evidence of the
sanctioning authority, it appears that the sanction was
accorded to prosecute respondent no.1 only because there was
damage to the MSEB property. Further, there is no sanction
on record to prosecute respondent no.2.

4 Considering all these aspects, it appears that there is
no perversity in the judgment passed by the learned Special
Judge, Biloli and, therefore the application, seeking leave to
challenge the impugned judgment, stands rejected.

SANDIPKUMAR C. MORE
JUDGE

adb