

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

**APPLICATION FOR LEAVE TO APPEAL BY STATE  
NO.196 OF 2019**

THE STATE OF MAHARASHTRA  
VERSUS  
CHANDRAKANT S/O PARSHURAM PAWAR

...  
Mr. D.J. Patil, APP for Appellant/State  
Mr. Nilesh S. Ghanekar, Advocate for Respondent  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 18<sup>th</sup> SEPTEMBER, 2024**

**PER COURT :**

1. By this application, applicant/State seeks leave to file appeal against judgment and order of acquittal dated 30/04/2019, passed by learned Special Judge, Beed, in Special [A.C.B.] Case No.09/2013.

2. Respondent/accused was charged for offence punishable under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988. It is the prosecution case that complainant, Chairman of Kalikadevi Fishery Co-operative Society, Ltd., Uttamnagar, Tq. Shirur (Kasar), Dist. Beed, has filed tender of fishery on lease basis for a period of five years from the Tank of village Ukhanda-Chakla, which was allotted to the said society for the year 2011. Yearly licence was required to be applied in the office of Assistant Commissioner of Fishery, Beed. Complainant filed application for license, for the season commencing from January,

2012. At the relevant time respondent/accused was Assistant Commissioner and he allegedly demanded amount of Rs.15,000/- towards bribe to complainant. On negotiation, the amount was settled at Rs.4,000/-. First demand was made on 23/01/2012. Complainant lodged complaint with A.C.B. Office on 09/02/2012. Thereafter, after doing necessary compliance trap was laid and accused was allegedly caught red-handed while accepting Rs.4,000/- towards bribe. In support of it's case, prosecution has examined four witnesses. Trial Court after assessing evidence, acquitted respondent/accused.

3. Heard learned APP for State and learned advocate for respondent. Perused the record.

4. From the evidence led by prosecution it appears that there are material discrepancies in the evidence of complainant as well as the panch witnesses. Complainant in his cross-examination has admitted that he used to borrow money from respondent/accused and he had borrowed Rs.4,000/- prior to the alleged trap and accused was demanding the same from him. The first demand allegedly made on 23/01/2012, is not proved. Taking into consideration the discrepancies in the evidence of complainant and panch witnesses, trial Court is justified in not placing reliance on the same. It further appears that there is non-application of mind on the part of sanctioning authority while according sanction to prosecute the accused.

5. Trial Court has passed a well reasoned order and has taken a possible view which is not liable to be interfered with. Application is, therefore, rejected.

**(NITIN B. SURYAWANSHI, J.)**