



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4443 OF 2023
IN
APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 189 OF 2019

Hariprasad s/o Vithalprasad Tiwari,
Age 61 years, Occ: Retired,
R/o. Gurukrupa, Anand Nagar,
Canol Road, Beed.

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Sohail Subhedar, Advocate h/f Mr. N. S. Ghanekar, Advocate for
the Applicant.

Mr. N. D. Batule, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 26.02.2024

Pronounced on : 01.03.2024

ORDER :

1. Vide instant application, the applicant-original accused is praying to expedite hearing of the leave to appeal filed by the State against the judgment and order of acquittal of accused from offence under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 [PC Act], dated 12.12.2018 passed by learned Additional Sessions Judge, Beed in Special (ACB) Case No. 18 of 2014.

2. Learned counsel for applicant submitted that State has filed application [ALS] seeking leave to prefer appeal challenging the judgment and order of acquittal passed in Special (ACB) Case No. 18 of 2014 dated 12.12.2018. Learned counsel pointed out that though present applicant is acquitted, he is already retired from service way back on 28.02.2021. However, pensionary benefits and promotion benefits are not received due to pendency of appeal and thereby, when applicant is already 61 years of age and suffering from various ailments like blood sugar, prayers for expediting hearing of ALS is sought.

3. Learned APP submitted that judgment and order of acquittal is of 2018. Procedure for preferring appeal is still incomplete. On receiving leave of this Court, State would prefer appeal and seek circulation.

4. After considering above submissions and the contentions raised in the application, it is apparent that present applicant is already acquitted by learned trial court by its judgment and order dated 12.12.2018 from offence under Sections 7, 13(1)(d) r/w 13(2) of PC Act. Only ground for pressing early hearing of ALS is that acquitted accused is already retired and his pensionary benefits are said to be

withheld due to pendency of appeal. Second reason put forth is that he is suffering from ailment. However, the ailment is also disclosed to be having blood sugar. In the light of above, no special case has been made out to move the ALS expeditiously. The application is rejected.

[ABHAY S. WAGHWASE, J.]

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