



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 477 OF 2008

The State of Maharashtra
Through Anti Corruption Department,
Jalgaon

...Appellant

Versus

Pradip Ratan Dhangar,
Age: 32, Occu. Service,
Village Development Officer,
Grampanchayat Vardi,
Tq. Chopda, Dist. Jalgaon

...Respondent

- Mr. S. A. Gaikwad, APP for the Appellant/State
- Mr. S. S. Panale h/f Mr. V. P. Patil, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : DECEMBER 02, 2025
PRONOUNCED ON : DECEMBER 03, 2025

JUDGMENT :

1. State is hereby challenging judgment and order dated 06.12.2006 passed by Special Judge, Amalner in Special Case No. 05/2002 by which present respondent original accused came to be acquitted from charges under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act (PC Act).

2. In nutshell, report was received by ACB Authorities from PW1 that accused, who was a Gramsevak, had demanded Rs.10,000/- for

clearance of the cheque for the construction work done. Based on it, PW3 planned and arranged trap and executed it and charge-sheeted accused and he was thereby made to face trial. At trial, prosecution adduced evidence of complainant PW1, shadow panch PW2 as well as investigating officer PW3 and sanctioning authority PW4. On appreciating the said evidence, learned Trial Court held that prosecution failed to establish demand and acceptance, rather accused succeeded in establishing his defence that the amount paid was towards credits at the end of complainant.

Dissatisfied by the order of acquittal, State has come in appeal.

3. In short, learned APP would submit that complaint was received from PW1, who was in construction work, regarding demand of Rs.10,000/- for helping clearance of cheque received by PW1 for the work done by him. That, prompt complaint was lodged and PW3 accordingly planned trap, summoned panchas, introduced him to complainant and thereafter, gave necessary information to both of them to pay on demand and to relay signal. Learned APP took this Court through the evidence of PW1 and submit that his testimony clearly shows that there was demand and, therefore, he lodged complaint and while in company of PW2 shadow panch, accused had demanded Rs. 10,000/-. That, shadow panch also deposed to that extent. Thus, according to him, there is consistent evidence of PW1 and 2 but same has not been considered and appreciated by learned Trial Court. According

to him, due sanction was obtained and sanctioning authority was also examined demonstrating valid sanction. Therefore, necessary ingredients for attracting the charges were very much available but according to him, there is erroneous appreciation of evidence and presumption under section 20 of PC Act has not been correctly applied and so, he urges to allow the appeal.

4. learned counsel for respondent original accused would support the findings contending that prosecution miserably failed to bring home the charges.

5. Re-appreciated and reanalyzed the evidence.

PW1 Dadamiyya Pinjari in his evidence at exhibit 7 deposed that he received construction work of Anganwadi and he was getting cheque for the construction work from Gramsevak of village Vardi and that accused works as a Gramsevak and he was giving measurement of the construction. He deposed that till December, 2001, he received Rs. 75,000/- for the said construction but Rs.10,000/- were demanded by accused. On 26.12.2001 also he received another cheque of Rs. 22,000/- and when he approached bank, he was asked to bring accused but accused told him to pay Rs.14,000/- and complainant agreed to pay Rs.10,000/- but approached ACB. In paragraphs 3 and 4 he has narrated the procedure of trap being made aware to him, application of anthracene powder and directions to relay the signal after there is demand and acceptance. That, in the office of

Grampanchayat, accused raising demand of Rs.10,000/- and he giving it to him, who accepted it and kept in his pocket.

While under cross at the hands of accused, complainant has admitted that he was doing mesenary work and work was in fact taken by Jakir Rasul Pinjari and his mother being member of Grampanchayat, Jakir to be unable to take construction work. He answered that, Jakir took the work in the name of PW1 and after encashing the cheque, he was paying amount to Jakir. He also admitted that accused has asked him to complete the work, which was stopped for want of cement and that as he had no money to purchase the same, accused had made the cement available to him on credit and got the construction work completed. He admitted that 50 cement bags were made available from one Narendra Neve from Chopda on credit and he identified the bills at exhibits 11 and 12. He also admitted that accused paid the transportation charges of cement bags. He also admitted that he was to pay Rs.14,000/- to the accused for purchase of cement bags and transportation and demand to that extent was raised twice thrice. He also admitted that before issuing cheque, accused had told him that he had personally paid Rs.10,000/- to Narendra Neve toward purchase of cement bags. He also admitted that complaint was lodged against accused at the instance of Jakir and it was also drafted by Jakir.

Thus, from above answers in cross, it has come on record that the amount paid to the accused was towards credit of the purchase of cement by

accused on behalf of complainant and said amount initially being paid by accused. Resultantly, complainant himself has admitted that the amount was demanded towards dues owned by him.

6. PW2 who is examined at exhibit 14 in his evidence narrated about being summoned to ACB office, introduced to complainant procedure and instruction given by ACB officer and panchnama being drawn. Regarding the trap in paragraph 3 he deposed about accompanying complainant to the Grampanchayat office and approaching accused who was sitting with five persons. He deposed that complainant told about encashment of cheque and accused asked complainant about his money and further complainant told accused about its payment after encashment of cheque. He deposed that complainant asked him to sit in one room and thereafter, complainant left and after 15-20 minutes, complainant came and handed tainted currency to accused.

While under cross, he admitted that when accused went out of the room, he himself and complainant did not have talks and accused did not asked complainant to accompany him to the bank nor complainant asked accused to accompany to the bank. He answered that accused was sitting in his own office, while complainant went to the bank and this witness was sitting inside alone. In further cross in paragraph 8 he admitted that he did not accompany in the office was rather present with raiding

party.

Therefore, above panch witness, who is crucial witness, has also deposed that he was not present when complainant and accused met each other and therefore, he is not aware of the conversation of demand as well as acceptance.

7. Therefore, here, neither demand nor acceptance is proved. On the contrary, complainant himself has admitted that amount demanded was towards purchase of cement bags on credit at the behest of accused and the said amount was demanded back and was duly paid.

8. Though here valid sanction is obtained, when essentials like demand and acceptance is not proved, case of prosecution is rendered doubtful. Trial Court does not seem to have erred in acquitting accused with such quality of evidence. No case being made on merit, I proceed to pass following order:

ORDER

Criminal Appeal stands dismissed.

(ABHAY S. WAGHWASE, J.)

Umesh