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

APPLICATION FOR LEAVE TO FILE APPEAL BY STATE NO.76 OF 2022

The State of Maharashtra,
Through Shahada Police Station,
Tal.Shahada, Dist.Nandurbar.

... Applicant

Versus

Ravindra Jayram Panpatil,
Age:- 51 years, Occ. :- Service,
R/o. Plot No.14, Vaishali Nagar,
Ahinsa Chauk, Nalava Raod,
Tal.Nandurbar, Dist.Nandurbar.

... Respondent
(Orig. accused)

.....

Ms. D.S. Jape, APP for Applicant - State
Mr. Joydeep Chatterji, Advocate for Respondent

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 JULY 2025

PRONOUNCED ON : 22 JULY 2025

PER COURT :-

1. The State is hereby seeking leave to question the judgment and order of learned Additional Sessions Judge (Special Judge), Nandurbar dated 16.12.2021 passed in Special Case (ACB) No. 17 of 2013 acquitting present respondent from charges under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act.

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2. Learned APP pointed out that, respondent/accused was working as Assistant Administrative Officer *cum* Head Master in school run by Municipal Council. That, complainant had approached him by applying for issuance of funds under G.P.F. For doing the needful, she pointed out that, respondent/accused demanded Rs.2,000/-. That, complaint to that extent being lodged by ACB authorities. Learned APP pointed out that, ACB authorities planned trap and even successfully executed it. She pointed out that, after obtaining valid sanction, prosecution was launched. That, there was sufficient evidence in the form of testimonies of complainant and shadow panch, who are consistent and corroborated with each other. That apart, there was evidence regarding demand. That, accused made demand on phone. That, evidence in the form of CDR is also placed before the trial Court. However, learned trial Court failed to consider and appreciate and in spite of availability of such overwhelming evidence, acquitted respondent/accused. That, learned trial Court has not considered the firm and consistent evidence of complainant and shadow panch, CDR transcript so also overlooked aspect of demand and acceptance. Therefore, there is a good case on merits in appeal and hence she urges for leave to file appeal.

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3. Countering to the above submissions, learned counsel for respondent/accused would submit that there was false implication due to previous grudge. He invited attention of this Court to paragraph no.3 of the evidence of PW-2 and would submit that, shadow panch has not supported the complainant, when it was crucial. He invited attention of this Court to the answers given in cross by PW-2 regarding no demand being made. Thus, according to him, crucial aspect of demand itself is not proved. Moreover, because of previous grudge, there is premeditation, and therefore, there was a false complaint. He further submits that, complainant had already received cheque on 23.10.2012 itself, but complaint is lodged two months thereafter in the month of December, 2012. For all above reasons, he supports the impugned judgment of acquittal and prays to refuse the leave.

4. Heard. Perused the evidence placed on record by learned counsel for respondent.

5. PW-1 and PW-2 seems to be complainant and shadow panch respectively. In examination-in-chief, complainant has stated that he applied for loan from his G.P.F. fund and his application was already allowed by respondent/accused. He

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further stated in examination-in-chief itself about receiving a phone call from respondent/accused on 12.12.2012 allegedly making demand of Rs.2,000/- for sanctioning the loan. He, therefore, lodged report. In examination-in-chief, he further stated about procedure of trap, calling of pancha and instructions given for trap by the Investigating Officer. In his cross, which commences from paragraph 16, he has admitted that, he is Chairman of *Akhil Maharashtra Prathamik Shikshak Sangatana* and that efforts were done to transfer the respondent/accused at his instance. He also admitted that he has grudge and anxiety. He admitted in paragraph 17 that, after making application for getting provident fund amount till its receipt, respondent/accused or any employee of Municipal Education Mandal has not made contact with him by any mode. He also admitted that after sanction of loan, the respondent/accused has not made phone call to him for demanding money nor contacted him at the time of issuance of cheque and that there was no demand at the time of handing over the cheque. He has candidly admitted that, he lodged report because he has grudge with respondent/accused and respondent/accused or anyone on his behalf had not given any message to him.

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6. PW-2/shadow panch appears to have retracted and not supported the prosecution. Learned trial Judge, who recorded the evidence seems to have taken a note that since shadow panch not willing to depose and seeking time, examination-in-chief deferred till next date. However, ultimately he has not supported prosecution. Therefore, severe blow is suffered by prosecution in view of answers given by complainant as well as shadow panch/ PW-2. They turned hostile and not supported the prosecution case. Thus, the requirement of demand and acceptance is not proved. Moreover, it is coming on record that complainant had already received the cheque and till that point of time, there was no contact by the respondent for raising any demand. Answers given by complainant in his cross demolishes the very case of prosecution and it is apparent that the complaint was due to misunderstanding and previous grudge. With such weak and fragile evidence on record no purpose would be served even if leave is granted. There being no merit in the application, it deserves to be rejected. Accordingly, following order is passed :

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ORDER

- I. Leave is refused.
- II. Application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane