



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

**928 CRIMINAL APPLICATION NO. 2685 OF 2025  
IN APEAL/534/2025**

Pradip Kakasaheb Sathe

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. More Abhijit S.

APP for Respondents-State: Mr. D. J. Patil

...

**CORAM : ARUN R. PEDNEKER, J.**

**Dated : August 06, 2025.**

**PER COURT :-**

1. Heard both sides.
2. The present application has been filed by the original accused for suspension of the substantive sentence imposed on him in Special Case (ACB) No.03 of 2017, decided on 09/07/2025, by the learned Special Judge, Osmanabad, District Osmanabad. The applicant has been convicted as follows : -

*" 1) The accused No. 1 Pradeep Kakasaheb Sathe is hereby convicted as per section 235(2) of Code of Criminal Procedure, 1973 of the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.2,000/- (Rupees Two thousand only), in default to suffer simple imprisonment for three months.*

*2) The accused No. 1 Pradeep Kakasaheb Sathe is hereby convicted as per section 235(2) of Code of Criminal Procedure, 1973 of the offence under Section 13(1)(d) punishable under Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.3,000/- (Rupees Three thousand only), in default to suffer simple imprisonment for six months.*

*3) The accused No. 1 Pradeep Kakasaheb Sathe is hereby acquitted as per section 235(1) of Code of Criminal Procedure, 1973 of the offence punishable under Section 12 of the Prevention of Corruption Act, 1988."*

3. The learned Counsel for the applicant submits that the conviction is

primarily based on the testimony of PW-1, who claims that the applicant demanded bribe from him. It is submitted that the alleged demand was said to be recorded in an audio clip when PW-1 was alone with the applicant, but the voice in the said audio recording was not identified before the Trial Court. As such, the Trial Court discarded the audio evidence.

4. The learned Counsel further submits that PW-2, in his examination-in-chief, stated that he was present with the informant when the demand was made in the village. However, this contradicts PW-1's version. It is contended that there is no corroborative evidence to prove the demand of bribe by the applicant.

5. Moreover, it is pointed out that the actual bribe amount was not accepted by Accused No.2, who has been acquitted by the Trial Court. There is no evidence on record to show that the applicant accepted or received any bribe amount. Hence, in the absence of corroboration and in light of the acquittal of co-accused, the conviction solely based on the demand theory without clear evidence of demand being established is *prima facie* unsustainable.

6. The learned APP opposed the application for suspension of sentence. He submitted that the applicant has been convicted for serious offences

under the Prevention of Corruption Act, 1988, based on a trap laid by the Anti-Corruption Bureau (ACB). It is argued that the demand of bribe by a public servant itself constitutes an offence under Section 7 of the Act, and the Trial Court has rightly recorded the conviction after appreciating the evidence of P.W.1, the complainant, and P.W.2, the panch witness. The learned APP further submits that the procedural lapses, if any, such as non-production of the audio recording or lack of voice identification, do not erase the effect of the oral evidence which clearly establishes the demand.

7. In view of the submissions made and on perusal of the impugned judgment, and having *prima facie* considered the evidence of P.W.1 and P.W.2, *prima facie* the evidence as regards demand of bribe is weak. Since there is no acceptance of bribe, the evidence of demand being made has to be more clearly established. Considering this, the substantive sentence imposed on the applicant deserves to be suspended till the final hearing and disposal of the appeal, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited, and on the following terms : -

### **ORDER**

- 1) The application stands allowed, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited.

- 2) The sentence imposed on the applicant/appellant in Special Case (ACB) No.03 of 2017 is hereby suspended till the final hearing and disposal of Criminal Appeal No. 534 of 2025 of 2025.
- 3) The applicant/appellant shall be released on P.R. bond of Rs.30,000/- (Rupees Thirty Thousand only), with two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.
- 4) The applicant/appellant shall not commit any criminal activity during the pendency of the appeal.
- 5) Bail be furnished before the Trial Court.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*