



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

APPLICATION FOR LEAVE TO APPEAL BY STATE NO.72 OF 2025

. The State of Maharashtra
Through Police Inspector,
Kranti Chowk Police Station,
District : Aurangabad.Applicant

Versus

1. Sharad Sitaram Deshpande
Age: 55 years, Occu.: Gramsevak,
R/o. Mayur Park, B-1, 3/3,
Aurangabad.
2. Tulshiram Shenfad Kharat
Age: 58 years, Occu.: Sectional Engineer,
R/o. Satwahan Housing Society,
House No.3, CIDCO N-5, Aurangabad.
3. Kishor Ganpat Jadhav
Age: 35 years, Occu.: Gramsevak,
R/o. At Post Bharadi, Tq.Sillod,
Dist.Aurangabad.
4. Gajanan Bhaurao Wagh
Age: 39 years, Occu.: Agri.,
R/o. Tilani, Tq.Sillod, Dist.Aurangabd.
5. Tejrao Shamrao Dhage
Age: 59 years, Occu.: Service (Gat Vikas Adhikari),
R/o. Auditor Housing Society,
Plot No.42, Jalgaon Road, Aurangabad.Respondents
(Ori.Accused)

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APP for Applicant : Mrs.D.S.Jape
Advocate for Respondent no.1 : Ms.Shital Pujari, Mr.PC.Bhaghre
Advocate for Respondent nos.2 to 5 : Ms.Monica Bagwe h/f/
Mr. Chandrashekhar P. Sengaoonkar

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 01 JULY, 2025

ORDER :-

1. Heard.
2. Issue notice to the respondents. Mr.P.C.Bhaghre, learned counsel and Ms.Shital Pujari, learned counsel waive service of notice for respondent no.1. Ms.Monica Bagwe, learned counsel holding for Mr.Sengaonkar, learned counsel waives service of notice for respondent nos.2 to 5.
3. Learned APP pointed out that complaint was lodged by the Police Inspector, Kranti Chowk Police Station, Aurangabad against respondents including Sectional Engineering, Gram Sevak and Gram Vikas Adhikari for offering bribe to close case/complaint filed against them i.e. by way of “Final Summary” proceedings. Learned APP submitted that an amount of Rs.14,00,000/- was offered to complainant by way of bribe. As complainant, a Police Officer, was not ready to accept bribe, he lodged report with ACB Authorities. That, accordingly, trap was laid and at the venue of trap, there were CCTV cameras. That, even voice recording of offer was recorded. That,

certificate of voice recording under Section 65-B of the Indian Evidence Act has been tendered. However, learned trial Court failed to consider and appreciate the case of prosecution and the quality of evidence adduced on record. That, flimsy ground of not obtaining CCTV footage is the main reason why case of prosecution is disbelieved. However, other overwhelming evidence including evidence of complainant himself on the point of offer and bribe, is disbelieved and hence, learned APP submits that there is a good case on merit in appeal and she, urges to accord leave.

4. While opposing the application, both learned counsel for original accused would submit that, there was very weak, little or fragile evidence in support of allegations.

Learned counsel for respondents submitted that there was no evidence about alleged offer or bribe. That, venue of demand was Manor hotel wherein there was facility of CCTV, but the CCTV footages were not procured. That, there was no evidence whatsoever about any offer. That, foundational facts of the case were not proved either by oral or documentary

evidence. Hence, learned counsel supports acquittal recorded by the learned Special Judge (Court No.11), Aurangabad.

5. After considering submissions of each of the side and on going through the papers, it appears that present respondent nos.1 to 5 were chargesheeted for commission of offence under Section 8 of the Prevention of Corruption Act, which provides for acceptance of illegal gratification for performing or forbearing any official Act. Here, prosecution has evidence of PW1 Namdev Shivaji Madde, who was allegedly offered bribe and he in his evidence has testified about offer of bribe received from accused persons and as he was not willing to accept the bribe, he informed to the Superintendent of Police, who further informed ACB authorities, Pune about the incident and thereafter, trap was planned. Thereafter, necessary steps being taken to arrange trap at Hotel Manor. However, there seems to admission on the part of PW1 Namdev that, at that time, there was no sufficient evidence against the respondents accused. It has also come in the evidence of PW4 Jagannath Dnyandev Kalaskar, Investigating Officer, that there were CCTV Cameras in

the said Manor Hotel where the amount was to be accepted. However, neither CCTV footages nor any staff of the Manor Hotel are made witnesses by the PW4 Kalaskar, Investigating Officer to corroborate prosecution version about offer of bribe.

6. Learned APP, on Court query, also fairly submitted that there is no acceptance and rather tainted currency was kept on the table. Therefore, with such weak evidence, it is unreasonable to accept prosecution version, even if leave to file is accorded. Entire exercise of filing appeal would result in futility and no purpose would be served by filing appeal apart from wastage of time. There being no convincing reason to accord leave, the same is required to be refused. Hence, following order is passed.

ORDER

(I) Leave is refused.

(II) Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE