2026:BHC-AUG:46576

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 156 OF 2025

The State of Maharashtra
Through Police Inspector,
Tophkhana Police Station,
District Ahmednagar. **.. Applicant**

Versus

Umesh Ramrao Kawale
Age: 28 years, Occu.: Nil,
R/o. Plot No.103, Tulsai Residency,
Ekvira Chowk Pipeline Road,
Ahmednagar.
Nalle Plotting, Om Nagar,
Sai Road, Latur. **.. Respondent**

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Mr. V. S. Badakh, Advocate for the appellant/State.
Mr. Rajendra P. Phatke, Advocate for the respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 05.10.2026
Pronounced on : 06.10.2026

ORDER :-

1. Feeling aggrieved by the judgment and order of acquittal dated 03.10.2025 passed by learned Special Judge, Ahmednagar in Special Case No. 8 of 2015, acquitting present respondent from charges under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 (PC Act), the State hereby seeks leave to file appeal.

2. Learned APP would point out that, accused was Food Safety Inspector. That, he had demanded bribe of Rs.15,000/- from complainant for conducting business of sale of mango without license. That, complaint to that extent was received by ACB authorities and trap was planned and laid. There was demand verification got done prior to the main trap. That, there was both, demand as well as acceptance. However, learned trial court acquitted the accused. That, there is incorrect appreciation of evidence by the trial court and impugned judgment is patently illegal. That, State has good case on merits in appeal and therefore, he urges for grant of leave.

3. Learned counsel for respondent would submit that prosecution failed to prove essential like demand. That, even sanction was not valid and by competent authority and therefore, for want of merits, he prays to reject the application.

4. Perused the papers. Case of prosecution seems to be rested on the evidence of four witnesses. According to prosecution, accused who was Food Safety Offier, demanded Rs.15,000/- from complainant for conducting uninterrupted business of sale of mango. PW1 complainant approached ACB who, after summoning PW2 shadow pancha, had carried out trap.

5. On going through evidence of PW1 complainant at Exhibit 17, more particularly para 1, it seems that on arrival of accused to the complainant's house, complainant introduced pancha as his elder brother and seems to have directly asked accused as to 'what is his demand'. Thus, apparently, without any demand from accused, complainant himself has asked to quote the amount. It has come in his evidence that demand was also made by gestures. It has also come in his evidence that, he had kept the envelop containing tainted currency on the table which was allegedly later on picked up by accused. Complainant in para 6 of his cross seems to have admitted that he, on his own accord, opened dialogue with the accused about demand of bribe. Thus, here, there is no demand which is *sine qua non*.

6. Likewise, PW2 who is examined at Exhibit 24, in para 3 of his chief stated that complainant asked accused to state what he wanted. Consequently, there is no demand by accused.

7. Similarly testimony of PW4 Sanctioning Authority shows that he was a Deputy Secretary ranking officer and moreover, he has caused signature on draft received from Minister. In para 3 of the

cross, he admitted that he was subordinate to Principal Secretary and moreover, he was not authorized to put signature on Exhibit 63. He also admitted that, he issued sanction order only because Minister had put his signature on the note sheet. Therefore, for such answers, the aspect of application of mind also comes under shadow of doubt.

8. Consequently, for above reasons, very demand as well as acceptance comes under shadow of doubt. Similarly, sanction which is also a crucial part, does not seem to be by a competent person. With such quality of evidence, in the considered opinion of this Court, no fruitful purpose would be served by according leave. Hence, following order :

ORDER

I. Leave is refused.

II. Application stands rejected.

[ABHAY S. WAGHWASE, J.]

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