



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY STATE NO. 130 OF 2025

. The State of Maharashtra
Through Police Inspector,
Parner Police Station,
Tq.Parner, District Ahmednagar. ..Appellant

Versus

- 1) Sunil Motiram Medhe
Age: 49 years, Occu.: API, Parner,
Police Station, Tq.Parner,
Dist. Ahmednagar,
R/o. Yashodhara Colony,
Plot No.36, T.V. Center, Aurangabad.
- 2) Sanjay Nanabhau Auti
Age: 34 years, Occu.: Business
of Transportation,
R/o. Bhairav Galli, Parner,
Tq. Parner, Dist.Ahmednagar.Respondents

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APP for Appellant : Mr.N.S.Takale
Advocate for Respondent no.1 : Mr. Joydeep Chatterji
Advocate for Respondent no.2 : Ms. Monica Rohit Dahat

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 MARCH, 2026

PRONOUNCED ON : 18 MARCH, 2026

ORDER :

1. Dissatisfied by the judgment and order of acquittal passed by
the learned Judge, Special Court (ACB), Ahmednagar, in Special

(ACB) Case No.11 of 2016, State has preferred instant application seeking leave to file appeal.

2. Learned APP pointed out that, both accused were chargesheeted for offence under Sections 7, 13(1)(d) read with 13(2) and Section 12 of the Prevention of Corruption Act, 1988, on allegations of demanding bribe for filing chargesheet early and for returning papers of the motorcycle, which was seized in crime against brother of informant. Learned APP further pointed out that, prosecution has adduced evidence of four witnesses. He submitted that PW1 is shadow pancha, PW2 is Sanctioning Authority, PW3 is complainant and PW4 is Investigating Officer. According to him, after receipt of complaint, ACB authorities summoned panchas, introduced them with complainant. That, they made aware of the application of anthracene powder. That, verification of demand got done by tape-recording the voice conversation. That, thereafter, the trap was laid. That, in spite of there being evidence of demand as well as acceptance, there is acquittal. He took this Court through the evidence of complainant and shadow pancha and observations of learned trial Court in paragraph 31 of the impugned order.

According to him, prosecution has a good case on merits in appeal. Therefore, he urges for grant of leave to file appeal.

3. Learned counsel for respondents/original accused, justifies the order of acquittal by pointing out that firstly sanction was by authority, which was Special Inspector General of Police. That, the documents show that appointment of accused no.1 was by Director General of Police and therefore, coupled with this, there being non application of mind while according sanction, sanction was held to be invalid.

As regards to demand and acceptance is concerned, he pointed out that, there is allegation of demand by way of gestures. That, there is inconsistency in the evidence of complainant and shadow pancha as regards to demand and acceptance. That, on above counts, case of prosecution was apparently weak in the learned trial Court. Hence, according to him, there is no infirmity in the order of acquittal and therefore, he prays for rejection of the application.

4. Heard. Perused the papers. It seems that, it is the case of

prosecution in the trial Court that, brother of complainant was booked for offence under Section 376 of the Indian Penal Code and investigation of said crime was done by accused no.1. According to prosecution, for filing chargesheet early and for returning the original papers of the motorcycle seized in the crime, there was demand of Rs.5,000/-. According to prosecution, accused no.1 directed complainant to pay amount to accused no.2, who was a private person. As many as four witnesses are examined by the prosecution, which includes, PW1 shadow pancha, PW2 Sanctioning Authority, PW3 complainant and PW4 Investigating Officer. Evidence of PW3 complainant and PW1 shadow pancha is of importance in view of nature of charges.

5. As pointed out that PW3 complainant has deposed about accused no.2 making gestures by rubbing fingers and asking complainant about money. Even accused no.1 had allegedly made similar gestures and asked complainant to give money to accused no.2 and therefore, apparently, there is no verbal or oral demand and rather there is demand by way of rubbing fingers. Secondly, complainant in cross-examination is unable to state when he had

been to Police Station and when he had approached accused no.1. Therefore, regarding initial demand, there is doubt.

PW4 Investigating Officer seems to have specifically instructed complainant not to pay bribe unless demand is raised, but here, complainant seems to be repeatedly inducing accused no.1 to put up demand and it is so emerging from the conversation. Consequently, here, firstly demand, which is crucial one, itself is doubtful. During the second demand, witness has admitted that there was demand by way of gestures and moreover, accused no.1, who is a Police Officer, has not raised the demand.

6. As regards to sanction is concerned, in cases of such nature, grant of sanction assumes significance. It is also important that there has to be application of mind while according sanction. Here, as pointed out, Sanctioning Authority was of the rank of Special Inspector General of Police whereas appointing authority was Director General of Police. Therefore, even the sanction was apparently by authority, who was incompetent to grant sanction. Therefore, in the light of above discussed evidence, case of prosecution is shrouded with doubt. Learned trial Court, with such

quality of evidence, justified in according acquittal. No point was made out on merits to grant leave, therefore, leave is refused. Accordingly, following order is passed.

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT