



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO.3 OF 2026

The State of Maharashtra,
Through Police Station Officer,
Police Station Shivaji Nagar, Tq. Beed,
Dist. Beed.

... Applicant

Versus

Dadasaheb S/o. Dagdurao More,
Age : 52 years, Occu. : Nil,
R/o. Siddhivinayak Nagar, Georai,
Tq. Georai, Dist. Beed.

... Respondent.
(Orig. Accused)

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Mr. S. G. Sangle, APP for Applicant – State.
Mr. Joydeep Chatterji, Advocate for Respondent.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 25 FEBRUARY 2026
PRONOUNCED ON : 26 FEBRUARY 2026

ORDER :

1. On account of acquittal of present respondent by learned Special Judge, Beed in Special (ACB) Case No. 07 of 2015 from the offence punishable under sections 7, 13(1)(d) r/w section 13(2) of the Prevention of Corruption Act, State has pressed into service present application for leave to file appeal.

2. In short, above prosecution was launched against present respondent, on the premise that, complainant, who was working as Sanitary worker in Public Works Department (P.W.D.), Beed, had

retired on 31.07.2014 and he had visited the Establishment Branch of P.W.D., more particularly, the accused a Junior Clerk for preparation of GPF bill. It is alleged that, to prepare and clear the said bill, there was demand of Rs.3,000/- and as complainant was unwilling to pay bribe, he approached Anti Corruption Bureau and lodged complaint.

3. On the basis of above complaint, Anti Corruption Bureau authorities summoned pancha, gave necessary instructions to complainant and pancha, got verification of demand done, prepared its panchanama/script, thereafter laid the main trap, after which accused was apprehended, charge sheeted, tried and finally acquitted.

4. Learned APP pointed out that, there is no dispute that accused was a public servant as he was working as a Junior Clerk in the office of P.W.D. That, for clearing the GPF bill of complainant, there was demand of bribe to the tune of Rs.3,000/- and therefore, complaint was lodged promptly. That, Anti Corruption Bureau authorities had planned trap and was also executed successfully. He pointed out that, unfortunately before commencement of evidence, complainant has died, but there was evidence of PW2 shadow panch as well Investigating Officer, and therefore, even if there was no

evidence of complainant, there was other incriminating material. That, accused was apprehended with tainted currency suggesting acceptance, which was in consequence to demand, such aspects are not considered by learned trial court, therefore, prosecution has a good case on merits, he urges to grant leave.

5. In answer to above, learned counsel for respondent - accused would justify the order of acquittal on the ground that, there was no evidence of initial demand. Secondly, during main trap also, there was no demand, but there was only gestures, of which no concrete opinion can be found. That, Sanctioning Authority had admitted that, complainant was not entitled for the benefits which he was claiming, and therefore, there was no work and consequently no reason to put up demand. For above reasons, he justified the order of acquittal.

6. In the trial court, unfortunately, before adducing evidence, complainant was reported to be dead. Therefore, prosecution adduced evidence of the writer, who noted the complaint, but admittedly he was not a party to the initial demand, and therefore, the same is not proved.

7. In support of its charge, prosecution seems to have relied on the evidence of shadow panch PW2, he in his evidence has

narrated that, after visiting Anti Corruption Bureau Office, he being introduced to complainant, he signing the complaint, hearing the nature of complaint and then accompanying deceased complainant for verification of demand, that too twice and then report it to the Investigating Officer, who allegedly prepared script of the same. However, this witness while in witness box deposed about demand being made by way of gestures, and as such, there is no oral demand, therefore, there is doubt about demand.

8. Defence set up by accused is that, complainant had already retired in July 2014, but he was claiming benefits of travel leave for a period from 15.08.2014 to 18.08.2014 i.e. benefit of post retirement allowance, which is not permissible. Defence of accused is that, because of denial to draw bill to that extent, there is false implication and thrusting of tainted currency into the pocket. Learned counsel for accused invited attentions of this court through the answers given by the Sanctioning Authority that retired employee is not entitled to the benefits once he retires. Therefore, doubt creeps in about the motive to demand the bribe when there was no work pending with the accused.

9. To sum up, here, initial demand is not proved for want of complainant, who, unfortunately died. Secondly shadow panch does

not speak about oral or verbal demand, but deposed about making gestures. Thirdly, Sanctioning Authority had admitted that complainant having retired, was not entitled to leave allowance for a period which was post retirement. Therefore, case of prosecution is not free from doubt, and as such, no fruitful purpose would be served by according leave as no point on merits is shown to be in existence. Hence, the following order is passed :

ORDER

- (i) Leave is refused.
- (ii) Application for Leave to Appeal by State is rejected.

(ABHAY S. WAGHWASE, J.)