



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 133 OF 2021

Shrikant s/o Prabhakar Patange

Age : 35 years, Occu. : Service (Gram Sevak)

R/o. Renapur, Taluka Renapur,

District Latur.

... Appellant

[Original Accused No.1]

Versus

The State of Maharashtra

Through Dy. S. P.,

Anti-Corruption Bureau,

Latur.

... Respondent

.....

Mr. C. D. Biradar, Advocate for the Appellant.

Mr. B. B. Bhise, APP for Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 25.03.2026

Pronounced on : 26.03.2026

JUDGMENT :

1. Convict, original accused no.1 hereby takes exception to the judgment and order of conviction dated 17.02.2021, convicting him for offence under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 (PC Act).

2. In short, prosecution was launched against present appellant and another accused on the premise that, for causing signature over



cheque prepared for completion of work of repair for Zilla Parishad, there was demand of Rs.7,000/- by accused appellant who was working as a Gram Sevak. PW1, as was not willing to pay bribe, approached ACB and gave complaint Exhibit 41 on the basis of which, trap was planned and finally executed. After apprehending both accused, they were chargesheeted and tried by the Special Court vide Special Case (ACB) No. 6 of 2013 and finally convicted accused no.1 (present appellant), but acquitted accused no.2. Hence, the appeal.

3. Learned counsel for the appellant would point out that there is false implication. According to him, there is contradiction in the evidence of complainant and shadow pancha. Secondly, complainant was not present at the time of main trap panchanama. According to him, work was of Zilla Parishad and therefore there was no question of allotment of work to the Member of Gram Panchayat and no further question of issuing cheque. Lastly he submitted that, sanction is also in mechanical manner and without application of mind. For above reasons, he urges to allow the appeal by setting aside the judgment and order of conviction. Learned counsel the appellant has also placed on record written notes of arguments as well as several citations.



4. Learned APP supported and justified the order of conviction and it to be in consonance with the evidence on record.

5. This being appeal, brief account of evidence is required to be reproduced. It seems that, in all four witnesses have been examined by the prosecution in support of its case. Their role and status and the sum and substance of their evidence can be summarized as under.

6. PW1 complainant at Exhibit 40 stated that, he was Member of Village Panchayat which passed a resolution for repair of tin roof of one hall of primary school run by Zilla Parishad. As no one else was ready to undertake the repair work, at the instance of Deputy Sarpanch and other Members, he carried out the repairs and bill was drawn to the tune of Rs.1,22,180/-. Cheque towards the same was also issued, but for its realization, signature of Deputy Sarpanch and Gram Sevak was necessary. He initially obtained signature of Deputy Sarpanch and when he approached accused Gram Sevak, he allegedly told him to pay Rs.7,000/- for causing signature and therefore, demand of bribe being raised, this witness approached ACB and then he narrated the steps taken by ACB officer for arranging trap by engaging panchas, making demand confirmed by recording conversation in voice recorder and thereafter he and shadow pancha



carried tainted currency to Mayuri Hotel where demand was to be fulfilled. In para 4 he narrated all the events that took place in the hotel. Accused Gram Sevak accepted the currency after which, signal was relayed, followed by apprehension of accused.

Above witness is subjected to cross, but it is initially on the point of his qualification, membership of Village Panchayat, disqualification of Sarpanch, about he and pancha traveling on motorcycle belonging to one Parmeshwar. He admitted that date was not mentioned on the cheque when it was issued, but he answered that date was mentioned on the cheque on the day on which accused signed it. Omissions are brought in para 8 about voice sample of himself and panchas being recorded; that on 08.09.2012 when contact was developed with accused on phone, there was half day holiday; developing contact with accused on phone; about accused telling him to meet at hotel of Ashok Mama i.e. at Mayuri hotel. To rest of all questions and suggestions, he has answered about his inability to recollect. Then he is questioned about date and timing of verification panchanama. In para 10, he has answered that, for the first time he met accused on 10.09.2012 at hotel Mayuri and at that time no one was accompanying him.



7. PW2 shadow pancha deposed at Exhibit 44 about visiting ACB office on 07.09.2012, meeting complainant, hearing his story and signing complaint. He deposed about verification of demand done by ACB officer by means of voice recorder and its panchanama being drawn at Exhibit 46. He narrated the events that took place on 08.09.2012 and 10.09.2012 regarding instructions given to him to hear the conversation between complainant and accused. He deposed that, after reaching Chakur, complainant developed contact on mobile and as per instructions of accused, they went to hotel and he narrated the conversation between complainant and accused and again panchanama Exhibit 48 to the above effect was prepared. Thereafter he narrated the procedure of application of anthracene powder. In para 7 he narrated accompanying complainant on motorcycle to hotel Mayuri where accused was with one person and all four of them entered the hotel, conversation took place between complainant and accused for reducing the amount, but accused asking complainant to handover money as they had to go, after which tainted currency was given by complainant and it was accepted by accused Patange, Gram Sevak, and thereafter he caused signature over the cheque and thereafter predetermined signal being relayed.



In cross even this witness is asked about his qualification, about he being handed over photocopies of panchanama. He is questioned about the timings of second panchanama and spot panchanama. He answered that in the sunlight he could not see the colour of anthracene powder and did not take note of nature of clothes on the person of complainant.

8. Rest of the witnesses are sanctioning authority and Investigating Officer i.e. Chief Executive Officer, Zilla Parishad who is examined at Exhibit 52 about receiving investigation papers, studying the papers and then according sanction to prosecute. Investigating Officer narrated all the steps taken by him since receipt of complaint till chargesheeting both accused.

9. On analyzing above evidence, here, PW1 and PW2 who are complainant and shadow pancha and are crucial witnesses, are both found to be consistent on the point of verification and confirmation of demand done prior to main trap. It appears that twice there was voice recording of conversation between complainant and accused. Though it is submitted that there is variance between the testimony of these two witnesses, it is not on any material count and it is merely on the point of taking permission to deposit cheque. This is not the crucial



point here. Here, crucial point is demand of bribe and its acceptance. On complete re-appreciation of evidence of both these witnesses, they are found to be consistent about accused suggesting meeting at hotel Mayuri and there, accused again putting up demand and further complainant attempting to get amount reduced, but accused denying and asserting the amount to be paid and even accepting the said amount. Shadow pancha has corroborated complainant's testimony to that extent. Therefore, the *sine qua non* of demand and acceptance at the instance of present appellant-accused no.1 are very much available in the prosecution evidence. The aspect of he causing signature over the cheque after pocketing the bribe amount substantiates his motive of seeking illegal gratification. Though complainant is cross-examined at length, there does not seem to be anything adverse to the prosecution solicited from complainant who has apparently withstood the cross-examination. Sanctioning authority has also testified about studying the papers and thereafter according sanction. Nothing adverse has been brought in the cross to hold sanction to be mechanical. Consequently, essentials for attracting the charges are available from prosecution side.

10. Though learned counsel for accused has placed on record written notes of arguments and relied on several citations, how and



which of the citations are required to be put to use, has not been stated by him. Settled position of law has been discussed in the same but how they are applicable in this case, is not elaborated.

11. Perused the judgment. Learned Tribunal has correctly analyzed the available evidence and there is correct appreciation of the same. Presumption available under the PC Act is also brought into play in the light of availability of demand and acceptance. There is no perversity or illegality so as to interfere. Hence, following order :

ORDER

The Appeal is dismissed.

[ABHAY S. WAGHWASE, J.]