



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 466 OF 2014

The State of Maharashtra,
Through Police Inspector,
Anti Corruption Bureau,
Beed.

... Applicant

Versus

Laxmikant Shridharrao Puranik,
Age 50 Years, Occu. Service as
Cadastral Surveyor, Sajja Sirasdevi,
Taluka Gevrai, District Beed.

... Respondent
(Original Accused)

.....
Mr. P. P. Dawalkar, APP for the Appellant-State.
Mr. Niranjana M. Deshpande, Advocate for the Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.04.2026

Pronounced on : 06.04.2026

JUDGMENT :

1. State hereby challenges the judgment and order dated 28.03.2013 passed by learned Special Judge and Additional Sessions Judge, Beed in Special (ACB) Case No. 3/2010 thereby acquitting present respondent from charges under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 (PC Act).



2. In brief, prosecution case is that, PW1 Sudam, who was an agriculturist, had entered into transaction of house purchase vide sale deed dated 29.01.2010. For incorporating the transaction in the PR Card, he allegedly approached accused, a surveyor, who allegedly demanded Rs.500/- bribe for the said work. Complainant approached ACB, i.e. PW5, who entertained the complaint, planned trap by arranging panchas, getting demand verification got done, laying trap and finally prosecution claims to have executed the trap, apprehending the accused and charge-sheeting him. At trial, prosecution adduced evidence of in all six witnesses and also relied on various documentary evidence, which was duly appreciated, but learned trial court held that prosecution failed to prove charges and by judgment and order dated 28.03.2013, and acquitted the accused.

SUBMISSIONS

On behalf of the Appellant State :

3. Learned APP would point out that immediately after receipt of complaint Exhibit 26, PW5 summoned panchas, introduced them to complainant and thereafter, after confirming demand of bribe, main trap was laid. He pointed out that, there was testimony of PW1 complainant finding support from PW2 pancha. That, their evidence was intact. According to him, though there were variances, they were



minor in nature. That, evidence of prosecution witnesses was consistent and ought to have been accepted by learned trial court but, according to him, trial court not only failed to appreciate it in correct prospective, but also did not take into account the settled legal position. On above grounds and based on above criticism, he prays to allow the appeal by setting aside the impugned judgment.

On behalf of the Respondent-Accused :

4. In answer to above, learned counsel for the respondent accused would justify and support the acquittal on the ground that prosecution has utterly failed to prove both, demand as well as acceptance, beyond reasonable doubt.

SUM AND SUBSTANCE OF THE EVIDENCE IN TRIAL COURT

5. In support of its case, prosecution seems to have examined as many as six witnesses. Their role and status and the sum and substance of their evidence can be summarized as under :

6. PW1 Sudam deposed at Exhibit 25 about purchasing house and tendering application for PR card in the office of Land Records. According to him, during his two visits, accused, who was in-charge, was not present and therefore he obtained mobile number of accused,



and he reproduced the last three digits of mobile number of accused and claims to have given call over which there was said to be conversation and accused allegedly told that work would be done but on payment of Rs.500/-. Therefore complainant approached ACB and lodged complaint vide Exhibit 26.

In para 3 he deposed about ascertainment of demand, during which he was asked to again call accused on mobile, and after keeping the speaker on, there was conversation during which accused asked that his work would be done and he should bring Rs.500. Thus, according to this witness, conversation between him and accused was recorded in the voice recorder. Then he deposed about steps being taken for application of anthracene powder, necessary instructions being given. In para 6 he stated that he and pancha Deshpande approached accused who initially asked them to wait as he was in hurry. Thereafter, according to this witness, accused demanded money after some time while they were sitting in his office. Accordingly he took out currency from pant pocket and accused accepted the amount. This witness came out and relayed the signal.

Though there is lengthy cross, relevant cross is dealt hereunder, to which attention of this Court is invited. His initial cross is on the



point of alleged purchase transaction of house. In para 10 and 11, he deposed about visit to the office of accused. In para 16, omissions are brought on the point of clerk Shinde sharing mobile number of accused, about telling accused that he was ready to pay Rs.500/-, and about accused demanding money from him after some time.

7. PW2 is the pancha who deposed at Exhibit 35 and he narrated about visiting ACB office, being introduced to complainant, hearing his story of demand of bribe. In para 3 he deposed about verification of demand being done by stating that, Investigating Officer asked complainant to make phone call to the accused. Speaker of the mobile was kept on and conversation was heard by all and when complainant asked whether his work of mutation was done, accused told him to come and copy was ready, upon which complainant told that, as agreed, he would bring Rs.500/-. Witness claims to have heard the conversation. In para 5, he narrated the events of main trap, about visiting office of accused in the company of complainant, accused initially asking them to wait, and complainant insisting for immediate copy, upon which accused allegedly said to complainant whether he was giving him Rs.1000/- or Rs.2000/-, upon which complainant told him that, as per demand, he brought Rs.500/-, **and complainant again asked that he brought Rs.500/- and whether he should pay the**



amount. Accused took the payment and counted the currency by both hands, which was followed by rely of signal.

8. PW3 is the sanctioning authority, who claims to have received investigation papers, he perused the same and on getting satisfied, accorded sanction, which he identified to be at Exhibit 48.

Nothing adverse has been brought in his cross.

9. PW4 is the Deputy Superintendent of Land Records at Georai and he deposed about preparing rough sketch map of the spot Exhibit 56 on the request letter from ACB.

10. PW5 and PW6 are two Investigating Officers who carried out investigation at respective times.

ANALYSIS AND CONCLUSION

11. Re-appreciated the entire evidence. Though learned APP submitted that there is convincing evidence on demand, here it is noticed that, initial demand was made on phone call made by complainant. Both, PW1 and PW2, speak about conversation between complainant and accused to be recorded, but apparently CDR is not on record. Moreover, from the testimony of PW2, it is emerging that it



is complainant who seems to have initially offered to give bribe prior to any demand by accused. Because PW2 has stated that, complainant told that as per demand of accused, he would bring Rs.500/-. The very conversation in Marathi is reproduced in para 29 of the judgment which reveals that, after accused said that complainant's work is done, complainant himself has questioned as to when should he bring the money. Resultantly, there is offer prior to demand by accused.

12. Investigating Officer seems to have prepared script of the conversation and dialogue at Exhibit 70 and further panchanama seems to have been drawn to that effect which is at Exhibits 37 and 40. However, on comparing contents of Exhibits 37 and 40, there does not seem to be consistency and rather nature of dialogue is distinct in both above materials.

13. There are omissions brought in para 16 of the cross of PW1 complainant to the extent that, in his statement to ACB he told that, he had initially asked accused whether application for mutation was allowed, and that he was ready to pay Rs.500/-; it is also not appearing therein that, accused told him to bring Rs.500/-, and he told accused that he would come in the afternoon.



14. Learned counsel for accused pointed out that, if accused had handed over PR card after obtaining currency, then, there ought to have been traces of anthracene powder even to the PR Card. But unfortunately, as pointed out, PW5 did not cross-check it.

15. Further, according to PW1, tainted currency was removed by Constable Adhatrao, but panchanama Exhibit 38 refers to currency being taken out by pancha no.2. Moreover, PW2 seems to be a habitual pancha and he has acted on behalf of ACB previously also. Therefore, his testimony loses credibility, more particularly in view of list Exhibit 83 which shows that twice he has acted as pancha for ACB.

16. To sum up, here, initial demand is not proved. Demand was said to be made on phone, but essentials like CDR are not gathered and when initial demand itself is not proved, case of prosecution indeed does come under shadow of doubt. Demand is *sine qua non* for proving the charges. Mere possession of currency is not sufficient. Moreover, here, prior to any demand, complainant himself has offered bribe. Resultantly, with such quality of evidence, finding of acquittal cannot be faulted at. Hence, following order :



ORDER

The appeal is dismissed.

[ABHAY S. WAGHWASE, J.]

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