

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.3147 OF 2005

Ashok Uttamrao Kakade	...Petitioner
Vs.	
The State of Maharashtra & Ors.	...Respondents

-----

Mr. D.S.Chandanani for Petitioner  
Mrs. A.S. Pai, A.P.P. for State

CORAM: B.H.MARLAPALLE & ROSHAN DALVI, JJ.  
DATED: 31ST JANUARY, 2006

P.C.

1. Heard Mr. Chandanani, learned Counsel for the petitioner who is the part of the police force. This Petition filed under Article 226 of the Constitution seeks to invoke the powers by this Court under Section 482 of Cr.P.C. so as to set aside the sanction order dated 14th November 2005, the charge-sheet dated 15th November 2005 and the statements dated 23rd and 25th June 2004 respectively at Exhibits-C & D. Remaining prayers are for declaration and for restraining the respondents from taking any action against the petitioner as well as for damages.

2. The Assistant Commissioner of Anti Corruption Bureau, Mumbai unit has filed affidavit in reply in Criminal Application No.6518 of 2005 and alongwith the same copies of the sanction order dated 14th November 2005 and the chargesheet dated 15th November 2005 have

been placed on record. The sanction order has been passed by the Respondent No.5. The petitioner was at the relevant time working as the Police Inspector at Kapurbawdi Police Station under the Thane Police Commissionerate and the sanction order dated 14th November 2005 sets out the details, the allegations of the illegal gratifications/demand of money as well as receipt. Once the chargesheet has been filed before the Special Court, the merit of the allegations/charges against the Petitioner will have to be gone into by the said Court and it cannot be said at this stage that there is no prima facie case against the petitioner to proceed against him under the Prevention of Corruption Act, 1988.

3. We are therefore not inclined to entertain this Petition and the same is hereby rejected. We also make it clear that the Special Court will not be influenced by this order rejecting the Petition, in proceeding against the Petitioner.

(ROSHAN DALVI, J.) (B.H.MARLAPALLE, J.)