

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION No.1448/07

Wasudeo Ramkrishna Dose.

- Versus -

State of Maharashtra and another.

*Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

**Court's or Judge's
orders**

***CORAM : A.P. Lavande, J.
DATE : 29TH June, 2007.***

Heard Mr.Anil Mardikar, learned counsel for the applicant and Mr.Doifode, learned A.P.P. for respondents.

The accused/applicant who was working as a Junior Engineer in Maharashtra State Electricity Board (Hereinafter referred to as Board) has filed the present application under Section 482 Cr.P.C. challenging the order dated 13/4/07 passed by the Ad-hoc Additional Sessions Judge, Akot in Special Case No.8/05. By the impugned order, an

application for discharge filed by the applicant after the charge was framed against him, has been dismissed. The applicant has filed the application for quashing proceedings against him on the ground that he was not a public servant and that the Joint Director, Technical who has granted the sanction, was not Competent Authority to grant sanction under Section 19 of Prevention of Corruption Act, 1988.

Mr.Mardikar, learned counsel for the applicant states that since the application was filed after the charge was framed and before any evidence was led that in the case, the applicant be permitted to withdraw the present application with liberty to the applicant to urge before the Special Judge by placing relevant material that the applicant is not a public servant and that the sanction granted is not proper.

Mr.Doifode, the learned A.P.P. has no objection, if the prayer made by Mr.Mardikar,

learned counsel for the applicant is granted.

In view of the above, the application is allowed to be withdrawn with liberty to the applicant to urge before the Special Judge that he is not a public servant and that, the sanction for prosecution granted is not proper, by placing relevant material before the learned Judge, during the trial.

The application stands disposed of in aforesaid terms with no order as to costs. Interim order dated 5/6/07 stands vacated.

Judge

VMC