

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 7 OF 2015**

SANJAY S/O DHARAMRAJ THAKRE AND ANR.

V/S

THE STATE OF MAHARASHTRA

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Mr. K.C.Sant, Advocate for the Petitioners.

Mr. V.P.Kadam, A.P.P. for the Respondent – State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 7<sup>th</sup> JANUARY, 2015**

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**PER COURT :**

1. Heard Mr. K.C.Sant, the learned counsel for the Petitioners and Mr. V.P.Kadam, the learned A.P.P. for the Respondent - State.

2. The learned counsel for the petitioners vehemently submits that the right of cross examination of the petitioners is seriously prejudiced in absence of the availability of the previous statement of the Complainant, which he has made during the departmental proceedings against the

petitioners. He submitted, therefore, the order passed by the learned Special Judge, Dhule dated 17/11/2014 below Exh. 30 in Special Case No. 512 of 2011 needs to be set aside and it is incumbent on the part of the State authority to provide him the previous statement of the complainant in the departmental enquiry.

3. The learned A.P.P. has rightly submitted before this Court that perusal of the impugned order dated 17/11/2014 shows that the learned Special Judge has taken care of the interest of the petitioners and as such liberty is already granted to him to file an application after recording the statement of the complainant in the departmental enquiry. The learned counsel for the petitioner submitted that in view of the communication from the office of the Superintendent of Police dated 26/12/2014, it is crystal clear that the statement of the complainant is recorded in the departmental enquiry.

4. After hearing, the learned counsel for the petitioners, on instructions, submits that he wish to withdraw the present Writ Petition, however, liberty be granted to him to move the necessary application before the Special Judge,

Dhule in consonance with the order passed by the learned Special Judge on 17/11/2014. The permission is granted to the present petitioners to withdraw the present Writ Petition with liberty to them to move the necessary application before the Special Judge, Dhule for obtaining the statement of the complainant in the departmental enquiry, as claimed by the petitioners. It is made clear that the learned Special Judge, Dhule is at liberty to decide the said application on its own merits, according to law.

5. With these observations, the present Writ Petition is disposed of as withdrawn.

**[V.M.DESHPANDE, J.]**

KNP/Cr. W.P. 7.2015