

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO. 2069 OF 2015
WITH CA/4497/2015 IN WP/2069/2015

SANTOSH JAIRAM RAUT
VERSUS

THE PRINCIPAL DISTRICT AND SESSION JUDGE, JALNA

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Advocate for Petitioner : Mr.Surve Hemant.
Advocate for Respondents : Mr.Suryawanshi Nitin B.

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CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.

Dated: NOVEMBER 27, 2015

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Heard learned Counsel for the petitioner and learned Counsel for respondent. With their able assistance, perused the pleadings in the petition, grounds taken therein, annexures thereto and the reply filed by the respondent.

2 Upon hearing, we find that, there is exception taken in the petition to the impugned charge-sheet issued by respondent. Learned Counsel for the respondent invited our attention to the decision of the Apex Court in case of ***Union of India and Anr. v. Kunisetty Satyanarayana (AIR 2007 SC 906(1))*** and submitted that, ordinarily no writ lies against a charge-

sheet or show cause notice.

3 We find substance in the argument of the learned Counsel for the respondent. The Supreme Court in the aforesaid exposition observed that, a mere charge-sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so.

4 In the light of above, in our opinion, petition is premature. Without entering into the merits of the matter, petition is disposed of as premature. Consequently, civil application also stands disposed of.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)

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