

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

CRIMINAL WRIT PETITION NO. 528 OF 2015

Anand s/o Tukaram Kakde

...Petitioner

versus

The State of Maharashtra,
Through police station, Aundha Nagnath,
Dist. Hingoli & anr

...Respondents

.....
Mr. R.M. Giri, Advocate for petitioner
Mr. S.R.Palnitkar, A.P.P. for respondent No.1
.....

CORAM : N.W. SAMBRE, J.

DATE : 20th AUGUST, 2015

ORAL ORDER :

The issue as is sought to be canvassed by learned Counsel for the petitioner as regards sanction for prosecution of public servant is already settled by the judgment of the Apex Court in the matter of **Anil Kumar & ors vs. M.K. Aiyappa & anr** reported in **2013 ALL SCR 3464** and judgment of Bombay High Court in the matter of **Nilesh C. Ojha vs. State of Maharashtra & ors** reported in **2015 ALL MR (Cri) 326**.

2. In view of above, present petition stands disposed of with liberty to the present petitioner to raise the said issue at

appropriate stage. The petitioner will be at liberty to move learned Sessions Court seeking prayer, which is required to be decided by learned Sessions Judge without being influenced by the observations made herein above.

[N.W. SAMBRE, J.]