

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3646 OF 2015

The State of Maharashtra,
Through Dy. Superintendent of Police,
Anti Corruption Bureau, Ahmednagar,
(C.R.No. 62/2008 of Topkhana P.S.)

.. APPLICANT
(Ori. Complainant)

VERSUS

Devendra Madhukar Chandekar,
Age : 48 years, Occu.: Service
Employed as Senior Clerk
in the Office of
Education Officer [Secondary],
Pay and Provident Fund Unit,
Ahmednagar,
R/o. State Bank Colony,
Bungalow No. 5, Madhukunj Wardha,
at Present R/o. Agarkar Mala,
Saraswati Complex,
G/5, Station Road,
Ahmednagar

.. RESPONDENT
(Ori. Accused)

Mr. S.D. Ghayal, A.P.P. for the applicant/State
None present for the respondent

CORAM : M.T. JOSHI, J.
DATE : 04/12/2015

ORAL ORDER :

None appears for the respondent. On the last date also, nobody has appeared for the respondent.

2. Heard learned A.P.P. for the applicant-State.
Perused the reasoning forwarded by the learned Special

Judge, Ahmednagar vide impugned judgment and order dated 31/03/2015 passed in Special Case (ACB) No. 1 of 2009.

3. Learned A.P.P. points towards the fact that the learned Special Judge has come to the conclusion that the sanction granted to prosecute the respondent for the offences punishable under section 7, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988, is invalid on the ground that in the sanction order at Exhibit 23, there is no reference that which duty was allotted to the respondent.

. It was therefore observed that the sanctioning authority has not looked into the nature of the duties allotted to the respondent, the role attributed to him in forwarding the papers etc. In the circumstances, it was observed that in-fact, the sanctioning Officer, being the competent authority, he should have gone into all these aspects prior to granting the sanction.

4. On merit, learned A.P.P. submits that in-fact, the evidence on record would show that at the time of the trap, though the learned Special Judge in paragraph no.30 has observed that upto some extent, the

prosecution has proved that the amount was recovered from the possession of the respondent but solely for that reason observed that the respondent cannot be convicted and made certain observations on the conduct of the complainant.

5. Upon hearing learned A.P.P., in my view, an arguable case is made out. Therefore, leave to file appeal is hereby granted. Application is accordingly allowed and disposed of.

6. Appeal be registered as per due procedure of law.

[M.T. JOSHI]
JUDGE

arp/