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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 900 OF 2015**

Mr. Pradeep Baburao Lonkar ... Petitioner

Versus

The State of Maharashtra and anr. ... Respondents

Mr. B.D. Joshi, for the petitioner.

Ms G.P. Mulekar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 20, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The Applicant was working as senior clerk at the time of alleged incident. The shop Keeper has some unauthorized extension which petitioner promised to regularize on payment of Rs.5,000/-. He had accepted Rs.1,500/- as part payment. He was caught red handed while accepting Rs.3,500/- and after completion of investigation, papers were sent to the Competent authority for sanction. The Chief Officer of Municipal Council of Junnar had refused to grant sanction. It is to be stated here that the Chief Officer is an Executive Officer and he has to execute the orders according to the minutes

of the meeting of the General Body of the Municipal Council. It appears that the General Body of Municipal Council had refused to grant sanction. In view thereof, the Anti Corruption Bureau had submitted "A" Summary report or in other words Closure report before the learned Special Judge. "A" summary report has been rejected and the Anti Corruption Bureau was directed to apply for a fresh sanction.

4. In my opinion, learned Special Judge could not have passed such order and it was beyond his jurisdiction to direct the Investigating Officer to apply for fresh sanction. He should have accepted the "A" summary.

5. Hence, the order passed by Special Judge in "A" Summary Case No.2 of 2010 is set aside. "A" summary report is deemed to have been accepted by the court.

Petition stands disposed of.

(JUDGE)