

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 168 OF 2014
(For Leave to Appeal)**

The State of Maharashtra	..Applicant/Appellant
V/s.	
Jairam M. Gavali	.. Respondent

Mr.A.R. Patil, APP for State.
Mr.G.P. Sengaonkar, for Respondent No.1 is absent

**CORAM : A. R. JOSHI, J.
DATE : 12TH JUNE, 2015.**

P.C.

1. Heard the learned APP for the State on this application for leave to file appeal challenging the order of acquittal of the respondent in the matter of offence punishable under section 7 and 13(1)(d) read with section 13(2) of Prevention of Corruption Act 1988.

2. Respondent/acquitted accused is served and he was earlier represented by an advocate who is absent today, though V.P. already filed on record.

3. The learned APP stated that the only ground for

acquittal was that there was no valid sanction for prosecution of the respondent for the offence under P.C. Act. It is further brought to the notice of this court that the Trial Court held that PW. No.2 who is then Additional Commissioner was not competent to appoint the respondent and as such he was not the authority which could remove the respondent from service and as such further held by the Trial Court that PW-2 was not the Officer competent to grant sanction. On this, learned APP stated that the evidence of PW-2 that he was the removing authority of the respondent accused has not been contravened. He further stated that even as per the G.R. the Additional Commissioner was also the appointing authority of the Class-III employees, i.e. the post the respondent was holding.

4. In view of the above it appears that the matter is required to be dealt with in detail ascertaining the authority of the PW-2 to give sanction. As such appeal for leave to appeal is allowed.

5. Appeal is admitted.

6. Process under section 390 of Criminal Procedure Code be initiated.

(A. R. JOSHI, J)