

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO.234 OF 2012

SAHEBRAO S/O BAPURAOJI BADHIYE

V/S

STATE OF MAHARASHTRA THROUGH DEPUTY SUPTD OF POLICE

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

Court's or Judge's order

Shri M.P. Khajanchi, counsel for the Applicant.
Shri Mirza, APP for the State.

**CORAM : A. B. CHAUDHARI &
P.N. DESHMUKH, JJ.**

DATE : MARCH 17, 2015.

Heard learned counsel for the rival parties.

Admittedly, the charge sheet in the present matter under the Prevention of Corruption Act, 1988 has been filed in the competent Court.

Learned counsel for the applicant submits that initially sanction was refused by the State Government but subsequently the same has been granted and, therefore, interference is required to be made by this Court under Section 482 of the Criminal Procedure Code. He has cited the decision in the case of **State of Himachal Pradesh ...vs... Nishant Sareen**, reported at **(2010) 14 SCC 527**.

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Upon hearing learned counsel and upon perusal of the decision cited *supra*, we are of the view that all the grievances and grounds can be canvassed by the applicant including one which is raised in the present application by taking recourse to alternate remedy for applying for discharge before the competent Court. It is not possible for us to exercise jurisdiction under Section 482 of the Criminal Procedure Code when effective alternate remedy by applying for discharge pursuant to filing of the charge sheet is available.

That being so, we make the following order :

ORDER

i) Criminal Application (APL) No.234 of 2012 is disposed of with liberty in favour of the applicant to apply for discharge for taking such remedies before the learned Special Judge in view of the filing of the charge sheet as are available in law.

ii) All the points are kept open to be

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canvassed before the learned Special Judge.

Iii) If such application is made by the applicant, the same shall be expeditiously disposed of by the trial Court.

JUDGE

JUDGE

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