

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

Criminal Writ Petition No.393 of 2014

(Prakash Chandrashekhar Suryawanshi and another

vs.

The State of Maharashtra, through Police Inspector, A.C.B., Buldhana and another)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Mr. Abhay Sambre, Advocate for the Petitioners.
Mr. S.S. Doifode, A.P.P. for Respondent No.1/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 21, 2015.

Heard Mr. Sambre, learned Counsel for the
petitioners and Mr. Doifode, learned A.P.P. for the State.

In the present petition, the petitioners are
challenging the rejection of their application [Exh.40] in Special
Case No.1/2005. By the said application, a prayer was made for
deciding the issue as to the sanction as a preliminary issue.

The order of sanction is already filed on record
before the learned Special Judge, who is trying the case against
the petitioners under the Prevention of Corruption Act. It is not
the case of the petitioners that there is no sanction. According to
the petitioners, the sanction is not given by the competent
authority.

The charge is already framed by the Trial Court and
the case is already posted for evidence. The learned Trial Court

has also observed in the order impugned that the validity of the sanction order will be considered after the evidence of the sanctioning authority is adduced. Since the charge is already framed and the case is already posted for recording the evidence, I see no reason to interfere in the order impugned at this stage.

Hence, the writ petition is rejected.

JUDGE

**sdw*