

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5546 OF 2015

The State of Maharashtra,
Through Mr Yogesh Ashokrao Gawade,
Police Inspector,
Anti Corruption Bureau,
Aurangabad

..APPLICANT

VERSUS

Madahavrao s/o Jalbaji Karnale,
Age : 60 years, Occu. Retired PSI,
R/o Krantinagar, Kokanwadi,
Near District Court,
Aurangabad

..RESPONDENT

Mr N.T. Bhagat, Addl. Public Prosecutor for applicant;
Mr N.S. Ghanekar, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th March, 2016

ORDER :

Heard.

2. By the present application under section 378 (1) (3) of the Code of Criminal Procedure, the applicant – State challenges the judgment and order of acquittal passed by Special Judge (PC Act), Aurangabad, on 28th April, 2015, in Special (ACB) Case No.37 of 2009.

(2)

3. With the assistance of the learned Addl. Public Prosecutor and Mr Ghanekar, learned Counsel appearing on behalf of the respondent, I have perused the entire record.

4. The acquittal is based on the authority of the Deputy Commissioner of Police to grant sanction to prosecute. Admittedly, the appointing authority of the respondent-accused, who was a Police sub Inspector at the relevant time, was Deputy Inspector General of Police and not Deputy Commissioner of Police, who had granted sanction to prosecute in the instant case.

5. In the above background, no case for interference is made out. Thus, leave is refused. Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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