

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

CRI. WRIT PETITION NO. 2526 OF 2015

Shri Tony Francis Fernandis ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. A. K. Mishra, Advocate for the Petitioner.

Mrs. M. M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 15th MARCH, 2016.

P.C. :

1 The learned counsel appearing on behalf of the Petitioner seeks to challenge the order passed by the learned Additional Chief Metropolitan Magistrate on 16th April, 2015 under section 196 of the Criminal Procedure Code, whereby sanction was not accorded. The State Government did not intimate the order of grant of sanction till the date of passing of the order.

2 The learned APP on behalf of the State submits that by communication dated 03.09.2014, the State Government decided not to grant sanction to file charge-sheet.

3 The learned counsel for the Petitioner submits that he is not aware of any such decision taken by the State. In the facts the decision taken by the State is part of the charge-sheet which is produced on record by the Petitioner.

4 In this view of the matter, we are not inclined to interfere in the order of the learned Magistrate. In case the Petitioner is aggrieved by the order of the State Government, refusing sanction, he may resort to appropriate proceedings.

5 With the above directions, the Petition is disposed of.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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