

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 380 OF 2015**

Shri Gulabrao Natu Yevale ..Petitioner
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Vaibhav R. Gaikwad, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
SMT. SADHANA JADHAV, JJ.**

DATE : 17th NOVEMBER, 2017.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed challenging the notification dated 18th December, 2014, by the respondent No.1 whereby appointment of the respondent No.2 as Special Public Prosecutor came to be cancelled.

3. Mr. Saste, learned APP, has placed on record a report dated 16th March, 2016 by the Under Secretary, Maharashtra Shashan, Law and Judiciary Department along with letter dated 4th March, 2016. The said letter is written by the respondent No.2 to the respondent No.1. In this letter, the respondent No.2 has informed the respondent No.1 that in view of his personal difficulty and problems, he is unable to spare time

to the subject case for conducting trial before the Sessions Court. The respondent No.2 has also informed the respondent No.1 that rather he is reluctant to conduct the subject sessions case before the Trial Court. The letter shows that he has accepted the administrative decision taken by the respondent No.1. That apart, the subject sessions case is at the stage of trial. The prosecution is represented by the Public Prosecutor and one witness is already examined on 17th August, 2017 by the prosecution and he has been cross-examined by the accused. Thus, there is no prejudice to the petitioner by cancellation of appointment of Special Public Prosecutor viz. respondent No.2.

4. In the above circumstances, we are not inclined to entertain this petition in exercise of the jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

5. It is made clear that the petitioner is at liberty to apply before respondent No.1 for refund of the amount which he has deposited for the purpose of appointment of the Special Public Prosecutor. In the event, such an application is made, the respondent No.1 shall decide the same independently on its own merits and in accordance with law.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]