

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5047 /2017

(Shri Saleem naushad Momeen vs. Union of India and others)

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

Court's or Judge's order

Mr. R.S. Sahare, Adv. for petitioner
 Mr. N.P. Lambat, Adv. for respondents 2 to 4

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
DATED : 17th November, 2017.

1. One of the grievances is charge-sheets were served on five employees of Railway Protection Force for same incident. It has been withdrawn as against four.

2. Other contention is, petitioner has been acquitted by Special Judge, Satara in Special Case No.11/2014 on 15.2.2017. Hence, departmental enquiry on very same charges on the strength of very same witnesses cannot be permitted and it should be dropped.

3. Withdrawal of charge-sheet against other employees cannot be an excuse in writ court for seeking quashing of proceedings by petitioners.

4. Insofar as adjudication by Special Court at Satara is concerned, the said Court in concluding paragraph has observed that witnesses have deposed against accused. Consideration by it shows that as the guilt is required to be proved beyond reasonable

doubt, it could not rely upon those witnesses. Standard of proof in departmental enquiry is different. Hence, acquittal cannot be decisive at this stage.

5. However, we keep contentions of learned counsel for petitioner in this respect open, for adjudication at appropriate juncture.

6. With these observations, we dispose of Writ Petition.
No costs.

JUDGE

JUDGE

sahare