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

CRIMINAL APPLICATION NO.803 OF 2016

Gajanan s/o Onkar DHEME,
Aged about 50 years, Occ.
Service Sectional Engineer,
Panchayat Sammittee, Akola,
R/o Near Bara Jyotirling Mandir,
Ranpise Nagar, Akola, Tq. And
Dist. Akola

..APPLICANT

VERSUS

State of Maharashtra,
Through Anti Corruption Bureau,
Akola, Tq. And Dist. Akola

..RESPONDENT

Mr S.V. Sirpurkar, Advocate for applicant;
Mr S.A. Gade, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th March, 2017

ORAL ORDER

An issue is raised by the learned Counsel appearing on behalf of the applicant – accused, that pursuant to the provisions of Section 129 of the Evidence Act, the communication in relation to grant of sanction for prosecution is always subject to scrutiny in evidence in the trial. He would rely upon the last part of the provisions of Section 129 of the said Act so as to substantiate his contention.

2. In my opinion, the aforesaid submission, as to whether the alleged documents in relation to grant of sanction for prosecution, could be produced and confronted, is an issue which could be appreciated at the

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stage of final hearing of the trial. The Trial Judge is required to appreciate whether substantial prejudice is caused to the applicant – accused by denying such opportunity.

3. In view thereof, in my opinion, the present application needs to be disposed of with liberty to the applicant – accused to canvass the said claim at the time of final hearing of the trial.

4. Criminal Application stands disposed of with aforesaid liberty.

(N.W. SAMBRE, J.)

amj