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

**CONTEMPT PETITION NO.113 OF 2014
IN
CRIMINAL WRIT PETITION NO. 652 OF 2012**

Narendra Bhaskarrao Patil ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr A.R. Syed, Advocate h/f Mr S.P. Brahme, Advocate
for petitioner;

Mr S.W. Munde, A.P.P. for respondent/State

**CORAM : PRASANNA B. VARALE &
SMT. VIBHA V. KANKANWADI, JJ.**

DATE : 4th APRIL, 2018

ORAL ORDER :

The petitioner was before this Court alleging that there is a wilful disobedience of the order of this Court dated 14th March, 2013 by the respondents and prayed that they be punished accordingly.

2. The petitioner in Criminal Writ Petition No. 652 of 2012 raised a grievance that the

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respondent authorities namely respondent Nos. 1 and 2 failed to accord sanction to prosecution of the accused persons who were involved in Special Case No Nos. 4 of 2012 and 5 of 2012 pending before learned Special Judge, Jalgaon. It was submitted that the proposal was pending before the competent authority and the State for grant of sanction for considerable period. The Division Bench of this Court, by judgment and order dated 14th January, 2013 while making rule absolute issued directions to respondent Nos. 1 and 2 to take decision on the proposal tendered by the Superintendent of Police, Jalgaon on 1st June, 2012 in respect of according sanction to prosecute the accused involved in the crime expeditiously. The respondents were directed to take decision within stipulated period of eight weeks from the date of order.

3. It seems that as the decision was not taken within stipulated period, the State approached this Court by filing Criminal Application No.1911 of 2013 seeking extension of

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period. Though request was made for extension of period of twelve weeks, Division Bench was not inclined to grant extension of twelve weeks but extension of two weeks only was granted to the State to comply the directions of this Court dated 14th January, 2013. The application was accordingly disposed of.

4. Learned Counsel appearing for the petitioner fairly submitted that there were certain developments took place during pendency of the petition. It was submitted that the accused Mr. Suresh Jain, by way of Criminal writ Petition No. 1033 of 2013 approached this Court. Two reliefs were claimed in the petition viz. (i) the challenge to the order passed by learned Special Judge dated 20th May, 2014 and (ii) for quashing the proceedings of special case itself.

5. The Special Judge, Dhule holding that there is no need for sanction was subject matter of challenge in the petition. It was the contention

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of the petitioner that the sanction under Section 197(1) of the Code of Criminal Procedure was necessary, as there was lodgment of report attracting the provisions of Prevention of Corruption Act against the petitioner along with other offences namely under Sections 120-B, 406, 409, 411, 420, 465, 468, 471, 109 and 34 of the Indian Penal Code. The Division Bench of this Court, in its detailed judgment considering rival submissions of learned Counsel appearing for the respective parties, found no merit in the petition. In clear and unambiguous words, it was observed by the Division Bench thus: in the light of discussion in foregoing paragraphs, the case of the petitioner that, for taking cognizance of the aforesaid offences against him, sanction ought to have been obtained, has no merit.

6. The petitioner prayed for continuation of the interim order. The Division Bench found no favour in that prayer also and observed that if interim relief is permitted to continue, it would

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be an impediment in speedy trial. The Division Bench declined the prayer for continuation of interim relief. Thus, what remains in the petition is now only of an academic discussion.

7. Learned Counsel submitted that he is not aware whether the order passed by the Division Bench dated 10th October, 2014 in Writ Petition No.1033 of 2013 is the subject matter before the Hon'ble Apex Court. In our opinion, this cannot be an impediment and for this ground, it is not necessary to keep contempt petition now pending in this Court. The contempt petition has lost its efficacy and is disposed of accordingly.

(SMT. VIBHA V. KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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