

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

CRIMINAL WRIT PETITION NO.444 OF 2015

Gopal Krishna Gaikwad : Petitioner.
Versus
State of Maharashtra and anr. : Respondents.

Mr. S S Shah for the Petitioner.
Mr. V B Konde-Deshmukh, Addl. PP for the Respondent/State.
Mr. Sambhaji M Kadam, PHC of Vita Police Station, Sangli, present.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 04th JUNE 2018

P.C.

1 We are informed by the learned Additional Public Prosecutor Shri V B Konde-Deshmukh that charge-sheet has been filed on 23/07/2014. The offence alleged is one under Section 304-A of the Indian Penal Code. The registration of the FIR and thereafter filing of the charge sheet is challenged on behalf of the Petitioner inter-alia on the ground that there was no overt act or inaction on the part of the Petitioner and that there is no sanction obtained as the Petitioner is an officer of the MSEB.

2 In view of the fact that the charge-sheet has already been filed, we do not deem this a fit case to exercise our writ jurisdiction. It would be open for the Petitioner to invoke the statutory remedy under the Criminal Procedure Code for discharge. If any such application is filed by the Petitioner, needless to

state that the same would be tried on its own merits and in accordance with law. With the directions as afore-stated, the above Writ Petition is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]