

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

CRIMINAL WRIT PETITION NO.665 OF 2011

Sopan s/o Ramnath Kasar : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. A S Gaikwad a/w Ms. Bhavana R Khichi for the Petitioner.
Mr. A D Kamkhedkar, APP for the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 08th JUNE 2018

P.C.

1 In the above Writ Petition the legality and validity of clause 4A of the Government Resolution dated 03/04/2000 and corrigendum dated 06/07/2009 which are annexed to the above Writ Petition were in contention.

2 As per the said clause 4A, in so far as Petitioner is concerned, sanction under Section 197 of the Criminal Procedure Code read with Section 19 of the Prevention of Corruption Act, 1971 was to be accorded by the Deputy Chief Minister. A change was made vide corrigendum dated 06/07/2009 by which the authority to accord sanction was changed from the Deputy Chief Minister to the Home Minister by substituting clause 4A by the said corrigendum dated 06/07/2009.

3 The above Writ Petition came to be admitted by the Division Bench

of this Court by order dated 12/08/2011 and the Petitioner's representation against the said corrigendum dated 06/07/2009 was directed to be considered before the next date. Upshot of the said order appears to be that the State Government has thereafter come out with GR dated 30/08/2011 whereby the said clause 4A has been further substituted so as to provide that in so far as employees below the scale of Rs.10650/- are concerned, the authority to accord sanction would be the Hon'ble Minister of the Department concerned. Hence in so far as the said clause 4A is concerned, this is the position as prevailing since the year 2011.

4 In so far as the Petitioner is concerned, vide letter dated 20/10/2011 addressed by the Under Secretary, Revenue and Forest Department to the Director General of Police, Anti Corruption Bureau it has been informed that the sanction in so far as the Petitioner is concerned has been refused. It appears that the said letter was also produced before the Special Court and the Special Court it seems has passed an order. It is not necessary for us to consider the same as the order passed by the Special Court is the subject matter of an independent Petition filed by the Petitioner being Criminal Writ Petition No.379 of 2014. However, in so far as the instant Writ Petition is concerned, in view of the subsequent event of the said clause 4A being substituted and is now as appearing in the said GR dated 30/08/2011 and in the light of the communication dated 20/10/2011 addressed to the

Director General of Police, Anti Corruption Bureau, there is now no warrant to keep the above Writ Petition pending. The same to accordingly stand disposed of. Rule to accordingly stand disposed of in terms of the above.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]