

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

CRIMINAL APPLICATION (APL) NO.950 OF 2018

(SHARAD KRUSHNARAO GOVINDWAR...VS.. STATE OF MAH. THR. PSO PS GADCHIROLI)

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

Court's or Judge's orders

Shri R.S.Vyas, Advocate for Applicant.
Shri B.M.Lonare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 19, 2018.

Heard.

By this application under Section 482 of the Code of Criminal Procedure, the accused who is convicted for the offence punishable under Section 420 of the Indian Penal Code has challenged the order passed by the learned Sessions Judge rejecting application (Exh.17) filed by him praying for grant of leave to compound the offence. In the impugned order, the relevant observations of the learned Sessions Judge are as follows:

“....It is a settled law that the Court shall exercise the discretion judiciously. In other words, while granting the leave, the nature of the offence the way in which the offence is committed and what is its effect on the society, is to be considered. The appellant/convict was the Assistant Superintendent in the Court of Aheri. It is alleged against him that he had collected the huge money from the people under the promise to get them appointed as Clerk in the Court. Numerous complaints were made against him by different persons. However, only the present complainant could prove the demand of money. Every public servant is bound to maintain the dignity of the

institution where he is posted. Judiciary is the last hope for common man. Unfortunately, the appellant/convict did not respect the judiciary which gave bread to him and his family. This Court is of the view that the offence alleged against the accused, is a moral turpitude. The fact and circumstances does not allow the Court to exercise the discretion granting leave to compound the offence. Therefore, the leave is refused and application Exh.17 is dismissed.”

Considering the facts of the case and the observations of the learned trial Judge, I am not inclined to interfere in the matter, especially as it cannot be said that the applicant can seek leave for compounding the offence, as of right.

The Criminal Application is **dismissed**.

JUDGE