

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

CRIMINAL REVISION NO. 245/2018

(Shri Vinaykumar s/o Abasaheb Juare vs. The State of Maharashtra and one)

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

Court's or Judge's order

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 21st August, 2019.

Heard Mr.Sagdeo, learned counsel for the applicant and Mr. Amit Chutke, learned APP for respondent no.1-State, at length.

This Revision has been directed against the order dated 9th October 2018 passed by the learned Sessions Judge, Gadchiroli, permitting the prosecution to examine Shri N.B. Patil, Principal Secretary, Government of Maharashtra, Agriculture & ADF Department, Mantralaya, Mumbai, in order to prove the sanction order.

The learned Advocate for the applicant vehemently argued that it was not proper on the part of the learned Sessions Judge, Gadchiroli to allow the application filed by the prosecution, to examine the sanctioning authority.

The learned APP contended that the learned Sessions Judge has rightly passed the impugned order. He

pointed out that the sanction order dated 23rd March 2009 was already placed on record by the prosecution and, therefore, no prejudice was caused to the applicant herein.

After hearing both sides and on a perusal of the record, more particularly the impugned order passed by the Sessions Judge, Gadchiroli, it is noticed that the learned Judge has considered the arguments advanced by both sides and has considered the aspect that it was necessary for the prosecution to examine the said witness on the point of grant of sanction. It was also observed that the matter should not be left as it is for the mistake on the part of the Public Prosecutor. It was also considered that it was the case of misappropriation of huge public money.

Considering the serious nature of the offence and also considering that the sanction order was already placed on record by the prosecution and further that the applicant will get an opportunity to cross-examine the said witness, in my view, the following order would meet the ends of justice. Hence the order:

ORDER

- (i) The Revision is hereby dismissed.
- (ii) The prosecution is permitted to examine Shri N.B. Patil, Principal Secretary, Agriculture & ADF Department, Mantralaya, Mumbai or any other concerned witness, in order to prove the sanction order.
- (iii) The learned Chief Judicial Magistrate is directed to record the evidence of the concerned witness, at the earliest.

(iv) The prosecution should cooperate by examining the concerned witness well in time.

JUDGE

Sahare