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

CRIMINAL REVISION APPLICATION NO.18 OF 2020

Taufiq Paigamali Nawaz

... Applicant

Vs.

State of Maharashtra

... Respondent

Mr. Gaurav Bhawnani i/b. Mr. Khan Abdul Wahab for the Applicant.
Ms. P.P. Shinde, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 14th FEBRUARY 2020.

P.C.:

1 The applicant herein impugns the observation of the learned Sessions Judge in the course of cross-examination of PW-33. It is the contention of the learned counsel for the applicant that although the applicant was a public servant and he was being prosecuted under the provisions of the Unlawful Activities Prevention Act ('UAPA'), sanction for prosecuting the applicant under the provisions of UAPA did not form part of the charge sheet or the records. The defence had called for the said file in the course of cross-examination and that the accused along with his Advocate had taken inspection of the said documents and thereafter, the

learned Sessions Judge had admitted the said documents and marked them as 322 collectively. In fact, application under section 397 or 401 of the Criminal Procedure Code would not be maintainable to challenge the said observation. In fact, it was a curable defect which could be cured during the course of arguments and learned Sessions Judge could decide the said objection at the time of final judgment. In view of this, application being sans merit stands rejected. However, the learned Sessions Judge shall decide the matter uninfluenced by the observations made hereinabove.

(SMT. SADHANA S. JADHAV, J.)