

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

CRIMINAL REVISION APPLICATION NO. 52 OF 2021

(Anil Murlidhar Wakte ..vs.. State of Maharashtra, through I/c. PS Hiwarkhed, Akola)

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

Court's or Judge's orders

Mr. H. Futane, Counsel h/f. Mr. S.G. Bundeale, Counsel for the applicant,
Mr. N. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 01-09-2021

The applicant sought discharge from offences punishable under Sections 7, 13(1)(D) and 13(2) of the Prevention of Corruption Act, 1988 on the premise that the informant acted as the Investigating Officer.

2. The trial Court rejected the application and the submission is reiterated before me relying on the decision in *Mohanlal vs. State of Punjab, (2018) AIR (SC) 3853*.

3. A copy of the said decision is placed on record.

4. On the last date of hearing, I did indicate to the learned Counsel that probably the decision in *Mohanlal vs. State of Punjab* is overruled by the Constitution Bench of the Hon'ble Apex Court.

5. Today the learned Counsel, who argued the matter on 30-8-2021, is not present and the learned

Counsel Mr. H. Futane, who is holding for Mr. S.G. Bundele, seeks permission to withdraw the application. While there is no difficulty in granting leave to the applicant to withdraw the application, precious time of the Court is wasted, and that too when this Court is heavily burdened. It is expected from the Bar, and from even the junior-most members of the Bar that an overruled judgment must not be cited. The Constitution Bench decision which overruled the decision in *Mohanlal vs. State of Punjab*, is rendered precisely twelve months ago. Surely, the learned Counsel, who relied on *Mohanlal vs. State of Punjab* and placed on record a copy of the citation, cannot plead ignorance of law. It is not as if the decision in *Mohanlal vs. State of Punjab* is overruled a few days ago.

6. This application is disposed of as withdrawn subject to payment of costs of Rs.1,000/- to be deposited with the High Court Legal Services Sub-Committee, Nagpur, within the next seven days.

JUDGE

adgokar