

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.562 OF 2021

Pravin s/o Dilip Andhare

... **PETITIONER**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. Amol S. Gandhi, Advocate for petitioner
Mr. S.P. Sonpawale, A.P.P. for respondents
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th JANUARY , 2022

PER COURT :

Heard. The challenge in this petition is to the order granting sanction for prosecution for offences punishable under the Prevention of Corruption Act. Reliance has been placed on the proviso to Section 19(1)(ii) of the Prevention of Corruption Act. For better appreciation, the said proviso is reproduced below :

“Provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant

without providing an opportunity of being heard to the concerned public servant.”

2. Admittedly, the petitioner herein is a member of the constabulary. The proviso is applicable in the case if the sanction is sought for by a person other than a police officer or an officer of an investigating agency. In the case in hand, the sanction was sought for by the investigating agency itself and the proviso has, therefore, no application. The petitioner cannot claim to have not been heard before according sanction for his prosecution. As such, the petition sans merits and liable to be dismissed. Hence, the petition is dismissed.

**(R. G. AVACHAT)
JUDGE**

fmp/-