

2. By the impugned orders, both the learned Judicial Magistrate and the learned Additional Sessions Judge, after considering the facts in the matter and injury certificates found that the allegations made against the Jail Authorities as correct and the order under Section 156(3) of the Code of Criminal Procedure was passed.

3. The Petition however is filed by the State of Maharashtra. It is stated that it is filed through the Jailor (Group-2), Nashik Road Central Prison and the investigation is directed in respect of the incident that has taken place in the Nashik Road Central Prison.

4. In these circumstances, it is doubtful whether the State of Maharashtra which is the sanctioning authority would be able to maintain a Petition on behalf of these officers, as filed through them. The learned Public Prosecutor states that the issue will be examined.

5. Stand over to 10 January 2022. To be listed under the caption "For Directions". "

2. The learned Public Prosecutor states that the issue has been examined and the State Government has issued instructions that the Government Resolution dated 5 February 2018 in respect of filing the Revision Application is being withdrawn. The learned Public Prosecutor states that accordingly the Criminal Writ Petition will no longer be prosecuted by the State of Maharashtra and the same be disposed.

3. Accordingly the Writ Petition disposed of. It is always open to the concerned officer, if they so desire, to prosecute the matter on individual basis.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)