

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

CRIMINAL REVISION APPLICATION (REVN) NO.87/2021

Bhaurao s/o Vistari Munghate and another

...Versus...

State of Maharashtra Through Police Station Officer, Police Station Nagbhid,
Tq. & Dist. Chandrapur

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

Court's or Judge's orders

Shri A.A. Naik, Advocate for applicants
Ms T.H. Udeshi, APP for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/04/2022

1. Heard Shri Naik, learned Counsel for the applicants. He fairly submits that the ground, that the prosecution was in absence of a sanction, by the appropriate authority and therefore could not have been proceeded with, has not been raised in the application for discharge at Exh.24 and has been sought to be raised for the first time in the present revision. Considering that no such ground was raised in the application at Exh.24, the impugned order, cannot be tested on that basis on absence of a ground, considering which, on instructions, he seeks to withdraw the present criminal revision application with liberty to raise a ground of absence of sanction, in an application before the learned Sessions Court.

2. Statement is accepted.

3. The criminal revision application is dismissed as withdrawn with liberty as prayed for.

4. It is made clear that the Court has not entered into merits of this revision and all other grounds, which have been raised herein, are also open to be raised before the learned Sessions Court.

(AVINASH G. GHAROTE, J.)

Wadkar