

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

**10 CRIMINAL APPLICATION NO.1124 OF 2023
IN APEAL/241/2017 WITH APEAL/241/2017**

**SADASHIV S/O. DNYANDEO NAWALE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Vishal A. Chavan, Advocate holding for Mr. Devang
Deshmukh, Advocate for the applicant.
Mr. R.D. Sanap, A.P.P. for respondent – State.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 11th September 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant/accused is seeking early hearing of Criminal Appeal No. 241 of 2017 filed by him against his conviction in Special (ACB) Case No.10/2012 on the ground that post-conviction he has been dismissed from service on 18.08.2017 and now he has to work as Helper at Petrol Pump situated at Beed on meager salary.
3. It appears that the applicant has been convicted and sentenced to suffer R.I. for two years and to pay fine of Rs. 5,000/-, i/d to suffer R.I. for three months under Section 7 of Prevention of Corruption Act, 1988. He has also been convicted under Section 13 (2) of the said Act and sentenced to

suffer R.I. for three years and to pay fine of Rs. 5,000/-, i/d to suffer R.I. for three months. The accused / applicant has deposited the fine amount.

4. The learned Counsel for the applicant/accused submits that the applicant would have retired 16.04.2024 had he not been removed from service. It appears that no departmental enquiry was held against the applicant and before his dismissal he had worked for almost 26 years. Therefore, considering the fact that one opportunity must be given to the applicant to argue this appeal on merit before his alleged retirement date as mentioned above, the application stands allowed. The appeal be fixed for final hearing on 12th October 2023.

(SANDIPKUMAR C. MORE, J.)