

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

CRIMINAL APPLICATION NO.940 OF 2021

Swarup s/o Shashikant Kelkar ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.S. Gangakhedkar, Advocate for applicant
Mr. A.R. Kale, A.P.P. for State
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 23rd AUGUST, 2023

ORDER :

The applicant has been charge sheeted for the offence punishable under Section 295-A of the Indian Penal Code.

2. Section 196(1) of the Code of Criminal Procedure mandates that no Court shall take cognizance of any offence punishable under Chapter VI or under Section 153-A [Section 295-A or sub-section (1) of Section 505] of the Indian Penal Code, except with the previous sanction of the Central Government or of the State Government, as the case may be.

3. In the present case, admittedly, no previous sanction of

either State of Central Government has been obtained before or along with filing of charge sheet against the applicant herein. The order taking cognizance of the offence sans sanction for prosecution is thus liable to be set aside.

4. The application is, therefore, allowed, setting aside the order of taking cognizance of the offence punishable under Section 295-A of the Indian Penal Code, in R.C.C. No.45/2021, pending before the learned Judicial Magistrate, First Class, at Aundha Nagnath, District Hingoli.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-