

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL WRIT PETITION NO.1765 OF 2022

SUNILKUMAR BANSILAL PUJARI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Abhay R. Rathod
APP for Respondent – State : Mr. S.N. Morampalle
Advocate for Respondent No.2 : Mr. S.P. Kausalye

...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 11, 2023

PER COURT :

. This petition takes exception to the order dated 27.09.2022 passed by the Additional Sessions Judge-2, Udgir in Criminal Revision Application No.6 of 2021 whereby order dated 30.04.2019 passed by learned JMFC, Udgir in R.C.C. No.174 of 2009 below Exh.1 issuing process against revision petitioner is upheld.

2. It is the contention of learned counsel for the petitioner that the petitioner is a police personnel and that the allegations made against him do not constitute any offence and as such the learned Judicial Magistrate has committed error in issuing process against him. It is his further contention that the said order ought to have

been interfered with by the learned Revisional Court.

3. Perusal of the complaint shows that there are specific allegations against the present applicant and co-accused for commission of offence punishable under Sections 166, 167, 190 and 218 of the Indian Penal Code. The petitioner is a public servant / Police Officer and it is alleged that he has committed the aforesaid offences during the discharge of his duties. Perusal of the order passed by the learned JMFC of issuance of process indicates that the present respondent no.2 had applied for sanction against petitioner on 03.03.2009, however neither sanction was granted nor his application was rejected. It is the contention of respondent no.2 that as per recent amendment if permission is not granted or the application is not rejected by the concerned competent authority within 90 days, it is deemed to be permission granted against the public servant. Learned JMFC has also taken into consideration the entire record and reports moved by the police authorities. It is only thereafter the order of issuance of process has been passed against the present petitioner. In the facts and circumstances of the case, this is not the case to interfere into the order passed by learned JMFC, which is rightly confirmed by the revisional court. Hence, the

following order.

ORDER

- (i) Petition stands dismissed.

[R. M. JOSHI]
JUDGE

GGP