

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1874 OF 2017

Raju Laxman Pachapure	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Pratik Tare a/w Ms. Sakshi Kadam, Jitesh Mundhwa i/by Kedar J. Patil for the Petitioner.

Mr. V. B. Konde-Deshmukh, APP for the Respondent-State.

Mr. Shriram Yadav, Joint Secretary, Revenue & Forest Department, Mantralaya, Mumbai.

Mr. Amol Gavade, Section Officer, Revenue & Forest Department, Mantralaya, Mumbai.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 27th FEBRUARY, 2023

P.C. :-

. As far as directions issued in paragraph 7 of the order dated 7th February, 2023 is concerned, learned APP Mr. Konde-Deshmukh, on instructions from Dy. Secretary, Office of Chief Secretary, assures that an affidavit of compliance shall be placed on record by 31st March, 2023. Since the statement is made on instructions, same is accepted.

2. We have perused the affidavit of compliance sworn by Shriram Dattatray Yadav, Joint Secretary in the Office of Additional Chief Secretary, Revenue & Forest Department, Mantralaya, Mumbai.

3. Learned APP based on the pleadings in the affidavit, so also the original records, invites our attention to the fact that the officer against whom the prayer for sanction was moved for prosecution under the Prevention of Corruption Act, stood superannuated on 31st May, 2013 i.e. almost ten years back.

4. Apart from above, justifiable reasons are stated in the affidavit viz non recording of voice of the accused whereby demand can be said to be established by the complainant. It is apparent from the affidavits so also from the note sheets, which are duly signed by the then Secretary Law, that the traces anthracene powder were not found on the body or the clothes of the officer who have superannuated some ten years back.

5. Apart from above, what is noticed is the impugned orders are questioned before this Court almost after the lapse of six years for which there is not explanation in the pleadings.

6. In view of the aforesaid observations, we do not see any reason to cause interference at this stage.

7. The petition accordingly stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]