

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2321 OF 2021**

Vinay Omprakash Mundada

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Sanjiv Kadam i/b. Mr.Shantanu R. Phanse for Petitioner.
Mr.Ajay Patil, A.P.P. for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 1st December 2023.

P.C. :

1) In pursuance of Order dated 18th October 2023 Smt. Arti Bansode, Assistant Commissioner of Police, Khadki Division, Pune City has filed Affidavit dated 25th October 2023.

In para No.6 thereof, she has stated that, as of today there is no material against the Petitioner in order to book him under the provisions of M.C.O.C. Act, therefore no sanction has been granted in respect of the Petitioner by the Competent Authority.

2) In view of the above, the substantive prayer of the Petitioner for quashing and setting aside the prior approval under Section 23(1)(a) and sanction under Section 23(2) of the M.C.O.C. Act has become infructuous.

2.1) As far as chargesheet filed against the Petitioner under the provisions of Indian Penal Code is concerned, the Petitioner is having substantive statutory remedy under the provisions of Criminal Procedure Code by way of filing an application for discharge before the Trial Court.

3) By reserving the said alternate remedy, Petition is disposed off.

4) All contentions of both the parties are kept open.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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