

rajshree

RAJSHREE
KISHOR
MORE
Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2023.09.13
17:56:10
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.135 OF 2019

Jainender Kumar Mittal] .. Applicant
vs.
Inspector of Police CBI, SCB & Ors.] .. Respondents

Mr.Apoorv Singh for the Applicant.
Mr.Amit Munde a/w Parikshit Pawar for CBI ACB, Pune.
Mr.Y.M. Nakhwa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 12th September, 2023.

P.C.

1] Revision Application filed in the year 2019 has called in question the order dated 20.02.2019, rejecting the application filed by the accused under Section 197 of the Cr.P.C. with a request of returning the final report filed under Section 173 to the CBI for want of sanction.

The impugned order record that, there is no necessity of obtaining sanction for prosecuting the accused and hence the application at Exhibit 313 is rejected. The order categorically record that the public servant/accused was not on public duty and hence no sanction is required.

2] The learned counsel for the Applicant would submit that during the pendency of the present Revision Application, the charge is framed

and even the trial has commenced with some witnesses having been examined by the prosecution. He, would, therefore suggest that the point of sanction if permitted to be kept open, to be canvassed at the time of trial, the revision application can be disposed off.

3] Mr.Munde, representing the CBI has no objection to the same in the wake of settled position of law that the question of validity or propriety of sanction is a matter which shall be determined at the stage of trial.

4] In the wake of above, the liberty is kept open, to agitate the point of requirement of sanction under Section 197 of Cr.PC. in the trial.

Revision Application is disposed off in the above terms.

[BHARATI DANGRE, J]