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

WRIT PETITION NO. 2411 OF 2019

Shri Rohidas Baliram Aher ..Petitioner
VS.

Central Bureau of Investigation,
Anti Corruption Bureau, Pune and anr. ..Respondents

Mr. Vilas B. Tapkir, for the Petitioner.
Mr. H.S. Venegavkar, for CBI.
Ms. Anamika Malhotra, APP for the State.

**CORAM : M. S. KARNIK, J.
DATE : AUGUST 3, 2023**

P.C. :

1. Heard learned counsel for the petitioner. The petitioner was proceeded under the Prevention of Corruption Act, 1988 before the trial Court. The trial resulted in the acquittal of the petitioner. The trial Court observed that though the charges against the petitioner are not proved, however, the conduct of the petitioner as mentioned in paragraph 33 is such that the same is a matter to be enquired into in departmental proceedings.

2. The departmental enquiry was initiated against the petitioner and the punishment of compulsory retirement by order dated 17/09/2021 has been imposed during the pendency of the petition.

3. Learned counsel for the petitioner submitted that the trial Court ought not to have made such observations which was the cause for initiation for such departmental enquiry, as according to him what was before the trial Court was only the charge against the petitioner under the Prevention of Corruption Act, 1988. In my opinion, the submission of learned counsel for the petitioner is unfounded. Though there is reference to the trial Court's order for the purpose of initiation of the enquiry, in any case, independent of the observations of the trial Court, it was always open for the department to initiate departmental action for the alleged misconduct. If the findings of the Enquiry Officer are influenced in any manner by the observations made in the order passed by the trial Court or any other ground, it is always open for the petitioner to challenge the order passed by the disciplinary authority before the appellate forum on all grounds including the ground that initiation for departmental enquiry in view of the observations of the trial Court is unwarranted. These aspects can be considered by the appellate authority if such appeal is resorted to.

4. Keeping all contentions open, the petition is dismissed.

(M. S. KARNIK, J.)