



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

WRIT PETITION NO. 3376 OF 2018

Dr. Pandit Shamrao Powar
VS.

..Petitioner

The State of Maharashtra

..Respondent

Mr. Gajanan M. Savagave, for the Petitioner.
Smt. S. D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 12, 2024

P.C. :

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is facing trial for the offence punishable under sections 7(1)(d) read with 13(1)(b) of the Prevention of Corruption Act, 1988. The cognizance was taken by the Court in the year 2011 on the strength of the sanction order granted by an authority not competent to do so. During the pendency of the trial, on 30/07/2014, the prosecution placed the valid sanction order granted by the Principal Secretary of Public Health Department, Mumbai on the record of the trial Court. This is regarded as a valid

sanction by the prosecution. Learned counsel for the petitioner submitted that the Court having taken cognizance despite there being an invalid sanction and even the prosecution having come out with a case during the pendency of the trial post cognizance, they have obtained valid sanction dated 25/07/2014, in such case the trial Court was not justified in rejecting the application for discharge made by the petitioner.

3. Factually, there is sanction dated 25/07/2014 by a competent authority on record. If the petitioner has a grievance that the sanction order dated 25/07/2014 is not a valid sanction or that the trial cannot proceed as cognizance was taken on the basis of the invalid sanction dated 25/04/2011, the same can be gone into by the trial Court when the trial is decided on merits. The trial Court has recorded that the order dated 25/07/2014 is a valid sanction and therefore the valid sanction is included in the charge-sheet. I see no reason to interfere with the impugned order. Keeping all the contentions open to be decided at the appropriate stage, writ petition stands rejected.

(M. S. KARNIK, J.)