



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5566/2024

Sachin Vitthalrao Padalwar,
aged 33 Yrs., Occ. Service,
R/o 201, Akshay Apartment,
Chiranjeevi Nagar, Narendra
Nagar, Nagpur.

... Petitioner

- Versus -

1. The Commissioner/Director
Municipal Administration,
7th Floor, Belapur Bhavan,
CBD Belapur, Navi Mumbai.
2. District Administration Officer,
Municipal Administration Nagpur,
Collector Office, Nagpur.
3. State of Maharashtra,
through Anti-Corruption Bureau,
Nagpur.

... Respondents

Ms. Surabhi S. Godbole, Advocate for the petitioner.
Mr. A.S. Fulzele, Additional Government Pleader for respondent
Nos.1 to 3.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATE OF RESERVING THE JUDGMENT: 14.12.2024.
DATE OF PRONOUNCING THE JUDGMENT: 20.12.2024.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally with the consent of learned Advocates for the
parties.

2. The petitioner is seeking limited prayer for direction to respondents to keep the departmental enquiry in abeyance till the conclusion of the trial bearing Special Case (A.C.B.) No.252/2024 pending on the file of the Sessions Judge-8, Nagpur.

3. The F.I.R. is registered against the petitioner for the offence punishable under Section 7 of the Prevention of Corruption Act by Anti-Corruption Bureau, Nagpur on the complaint of one Vasanta Shivaji Suryawanshi. The prosecution was set in motion and chargesheet has been filed against the petitioner. Special Case (ACB) No.252/2024 is *sub judice* before the Sessions Judge at Nagpur.

4. In pursuance of the registration of crime the petitioner is served with a memorandum for departmental enquiry. The petitioner has submitted before the enquiry committee that the witnesses in both the proceedings are

identical. If the departmental enquiry is permitted to continue, it would compel the petitioner to disclose his defence and the petitioner would be prejudiced in the conduct of his criminal trial as Panch Witnesses are the key witnesses in the A.C.B. trial. On the basis of same event and relying upon the statements of same persons, who would be witnesses in the criminal trial, the respondents have sought to hold an enquiry against the petitioner and permitting the departmental enquiry to continue against the petitioner, it would compel the petitioner to disclose his defence. The petitioner, therefore, prayed that till conclusion of the criminal trial, the departmental proceedings be kept in abeyance.

5. The petitioner has placed reliance on the decision in Capt. M. Paul Anthony V/s. Bharat Gold Mine Ltd. reported **1999 AIR (SC) 1416** and other orders passed by this Court being Writ Petition No.7073/2022 dated 10.3.2023 with connected matter, Writ Petition No.2087/2024 dated 10.7.2024 and Writ Petition No.3549/2023 dated 3.10.2023.

6. We have heard both the learned Advocates for the parties and perused the record.

7. We find that on the basis of same event the criminal trial has commenced pursuant to lodging of the F.I.R. Since the trial is pending before the Sessions Court and if the evidence commences, it would cause prejudice to the petitioner. Hence, in the light of the law laid down in Capt. M. Paul Anthony (supra) we find it to be in the interest of justice to pass the following order.

8. The proceedings in Special Case (A.C.B.) No.252/2024 pending before the Sessions Judge-8, Nagpur are expedited.

The Special Court shall make an endeavour to complete the trial within a period of six months from the date of communicating this order.

The respondents shall not proceed with the departmental enquiry against the petitioner till the decision of the Special Case (A.C.B.) No.252/2024.

The petitioner shall cooperate for the expeditious disposal of the criminal trial and on failure on the part of the petitioner in doing so, the Special Court is at liberty to pass appropriate orders and proceed with the trial.

With these directions, the writ petition is partly allowed.

Rule accordingly. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)