



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

CRIMINAL APPLICATION (APL) NO. 416 OF 2024

Mahendra Dashrath Dharmik,
Aged about 59 years, Occ. Retired from
Dy. Conservator Office, Akola from the
post of Accountant,
R/o. Gadge Nagar, Harihar Peth,
Akola, Tah. & Dist. Akola.

. . . APPLICANT

// VERSUS //

State of Maharashtra through
Anti Corruption Bureau, Akola
Tah. & Dist. Akola.

. . . NON-APPLICANT

Shri Suyash Agrawal h/f. Shri S. V. Sirpurkar, Advocate for applicant.
Ms. Sneha Dhote, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 13.03.2024

ORAL JUDGMENT :-

Heard.

2. The learned APP waives service of notice for non-applicant/State.

3. **Admit.**

4. By consent of both the parties, the matter is taken up for final hearing.

5. The present application challenges the order dated 20.02.2024, passed below Exh.132, by the Special Judge, Akola in Special Case No. 3/2008, thereby rejecting the application of the applicant to recall the complainant (PW1) and the Investigating Officer (PW4) for cross-examination.

6. The contention is that some documents, recently obtained by the applicant under Right to Information Act, have been placed on record but, the complainant and the Investigating Officer (IO) are to be confronted with those documents.

7. The learned APP for the non-applicant/State vehemently opposed the application.

8. Since, the applicant is facing trial for a serious offence punishable under Sections 7 and 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act, 1988. No prejudice will be caused to the prosecution if the applicant is permitted to confront the complainant and IO with those documents. Hence, I proceed to pass the following order:-

- i) The order dated 20.02.2024, passed below Exh.132, by the Special Judge, Akola in Special Case No. 3/2008 is hereby quashed and set aside.
- ii) The application Exh.132, filed by the applicant, is hereby allowed. The complainant (PW1) and the IO (PW4) be recalled and the applicant be permitted to cross-examine them in relation to those documents and the phone details on the next date of hearing before the Trial Court. It is made clear that no adjournment shall be granted to the applicant unless there are strong reasons for the same.
- iii) The application is allowed in the above terms.

(M. W. CHANDWANI, J.)

RR Jaiswal