

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 306 OF 2025**

Kumar Pralhad Wagh ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Mr. Jaydeep D. Mane for the Applicant.
Mr. A. S. Shalgaonkar APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th NOVEMBER, 2025.

P.C.

1. Challenge in this revision application is the order dated 23rd May, 2025 passed by the Additional Sessions Judge, Solapur below Exhibit-60 in Special Case No. 9/2017 thereby, the learned Sessions Judge has rejected the discharge application of the applicant.

2. It is contention of learned counsel for the applicant that there is no valid sanction to prosecute against the applicant, but the learned Sessions Judge has not considered this fact. If there is no valid sanction, the applicant cannot be prosecuted under the provisions of Prevention of Corruption Act, 1988. Hence, requested to allow the application.

3. It is contention of learned APP that the issue of validity of sanction can be considered at the time of final hearing of the trial and at the threshold of trial, it cannot be considered. He relied the order passed by the hon'ble Apex Court in the case of *The Karanataka Lokayuktha Police vs. Lakshman Rao Peshve*¹ and requested to reject the application.

4. I have heard both the learned counsel. Perused the impugned judgment and order.

5. The learned Sessions Judge has passed well reasons order and I do not find infirmity in it. Moreover, as per the view of hon'ble Apex Court in the case of *The Karanataka Lokayuktha Police (supra)* the issue of validity of sanction can be considered at the time of final hearing of the appeal. If the contention of both parties are kept open it would suffice and I pass following order :

ORDER

- I. The revision application is rejected.
- II. The applicant can lead the evidence in support of his defence at the time of hearing of the appeal.

6. The revision application is disposed off.

(SHIVKUMAR DIGE, J.)

¹ 2025 LiveLaw (SC) 941.