

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1819 OF 2022

Directorate of Enforcement through the Deputy
Director

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

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- Mr. S.V. Raju, Additional Solicitor General of India a/w Mr. Anil. C. Singh, Additional Solicitor General of India a/w Mr. D.P. Singh, Mr. Shriram Shirsat, Mr. Amandeep Singh, Mr. Pranav Thackur, Mr. Ankit Bhatia and Mr. Harsh Paul Singh for the Petitioner
- Mr. Pradeep Gharat, Special Public Prosecutor a/w Ms. M.H. Mhatre, APP for the State
- Mr. Aabad H. Ponda, Senior Advocate a/w Mr. Ravi Mishra i/by M.Z.M. Legal for Respondent No. 3

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**CORAM : MILIND N. JADHAV &
ABHAY AHUJA, JJ.**

**DATE : JUNE 01, 2022
(Vacation Court)**

P.C.:

1. Mr. S.V. Raju, learned Additional Solicitor General of India submits draft amendment to the grounds as well as to the prayer clause of the petition. The draft amendment is taken on record and marked "X" for identification. The amendments are allowed. The same to be carried out forthwith. Re-verification stands dispensed with. Copy of the amended petition shall be served on the Respondents within a period of three days from today.

2. Heard learned Additional Solicitor General of India appearing on behalf of the Petitioner and Mr. Gharat, learned Special Public Prosecutor.

3. Learned ASG submits that FIR has been lodged on 05.05.2022 under section 7-A read with section 8 of the Prevention of Corruption Act, 1988 (for short **“the Act”**) against the Respondent No. 3 and unknown officials of the Enforcement Directorate. He submits that under the provisions of section 17-A of the Act if any enquiry or inquiry or investigation of offence relatable to recommendation made or decision taken by public servant in discharge of official functions or duties are required to be carried out, there is an express bar whereby under sections 17-A (a), (b) and (c), the permission of the competent authority mentioned therein are required to be obtained. Learned ASG submits that the Respondent No.1 has not obtained the requisite permission from the competent authority.

4. Mr. Gharat, learned Special Public Prosecutor appearing for the Respondents seeks time of 15 days to file affidavit in reply to counter the aforesaid submissions. Let the reply be filed within a period of two weeks with copy to the other side. Rejoinder, if any, be filed within one week thereafter with copy to the other side. Let the matter appear on the board before the regular court after three weeks. In the

meanwhile, there shall be liberty to both the parties to move the regular court after reopening. Till then ad-interim relief in terms of prayer clause 28(c) of the petition shall remain in force till the next date.

[ABHAY AHUJA, J.]

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA MOHAN
AMBERKAR
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