

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

Criminal Application [APPLN] No.61 of 2014

(Datta Bhagwan Dumhare

vs.

The State of Maharashtra, through S.D.P.O. Pusad, District Yavatmal and another)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Mr. R.J. Shinde, Advocate for the Applicant.
Mr. D.B. Patel, A.P.P. for Non-Applicant No.1.
Mr. J.S. Wankhede, Advocate for Non-Applicant No.2.*

CORAM : PRASANNA B. VARALE, J.

DATE : JANUARY 14, 2015.

Heard.

By the present application, the applicant is challenging the order dated 20/12/2013 passed by the learned Additional Sessions Judge, Pusad.

The perusal of the record shows that the non-applicant, in whose favour the order dated 20/12/2013 was passed, approached the learned Sessions Judge praying protection in the nature of his arrest in Crime No.296/2013, registered at Police Station Pusad (Rural) for the offences punishable under Sections 143, 147, 149, 353, 323, 506 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act. The learned Sessions Judge on perusal of the material found that the material creates doubt about the contention of the complainant

that he being harassed because he belongs to a particular caste. The learned Sessions Judge further found that there was a development in the circumstance and the stand taken by the complainant subsequent to lodgement of report. In a detailed order, the learned Sessions Judge, finding that the applicant has made out a case for grant of protection, passed the order with certain conditions.

The learned A.P.P. as well as the learned Counsel appearing for non-applicant no.2 submit that on lodgement of the report, the investigating agency was set in motion. The process of investigation was concluded in filing the charge-sheet No.118/2014 on 27/06/2014 before the learned Judicial Magistrate First Class, Pusad, District Yavatmal. It is also stated in the reply filed by the State that an application was filed before the learned Sessions Judge raising a ground of breach of condition and seeking cancellation of the bail. It is stated in the reply that the application was rejected by the learned Sessions Judge. In the reply, it is further stated that an application at the instance of the accused person before the Sessions Judge was filed for relaxation of conditions and same was partly allowed.

Considering all these facts, in my opinion, there is no reason to show any indulgence in the present application seeking cancellation of an interim order passed protecting the applicant prior to the process of conclusion of the evidence. At

the cost of repetition, it is stated that the process is complete by filing the charge-sheet. The application thus being infructuous, no reason to show any indulgence in it. Hence, the application is rejected.

JUDGE

**sdw*