

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.368 OF 2016

Gokul Bhaskar Pohekar,
Age 48 years, Occu. Service
R/o Muktainagar,
Taluka Muktaingar,
District Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra
2. The Police Station,
Muktainagar, Taluka
Muktainagar, Dist. Jalgaon
3. Narayan Vishwanath Chaudhari,
Age 77 years, Occu. Nil,
R/o Changdeo, Taluka
Muktainagar, Dist. Jalgaon
4. Satish Narayan Chaudhari,
Age 52 years, Occu. Service
R/o Changdeo, Taluka
Muktainagar, Dist. Jalgaon

.. Respondents

Mr M.H. Shaikh, Advocate for petitioner
Mr K.D. Munde, A.P.P. for respondents No.1 and 2
Mr A.N. Kakade, Advocate for respondents No.3 and 4

CORAM : N.W. SAMBRE, J.

DATE : 22nd August 2016

PER COURT

1. It is not in dispute that the Scheduled Castes and Scheduled Tribes (Prevention of Corruption) Amendment Act 2015 is notified to have taken effect from 26th January 2016 and Section 14 of the said Act provides that cognizance to be taken directly by the special Court. In view of above, the order dated 12th February 2016 is required to be looked into, as the power of the Judicial Magistrate, First Class,

Muktainagar to accept the 'B' Summary in the present matter is required to be dealt with in the light of above amendment.

2. As such, the order dated 12th February 2016 passed by Judicial Magistrate, First Class, Muktainagar, accepting the 'B' Summary report in Crime No.27/2014 for an offence punishable under Section 3 (1) (x) of the Prevention of Atrocities Act, and under Section 504, 506 read with Sec.34 of Indian Penal Code, is hereby set aside. The matter stood restored to the file of learned Judicial Magistrate, First Class, Muktainagar, who shall, after considering the amended provisions of Section 14 vide Amending Act 1 of 2016 and after hearing the respective parties, shall pass appropriate orders on merits.

3. The parties agree that they shall appear before the learned Judicial Magistrate, First Class, Muktainagar on 29th August 2016.

4. Criminal Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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