

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.225 OF 2013

Vijay Gurunath Mhatre Applicant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. M.S. Kadu, Advocates for the Applicant.

Ms. S.V. Gajare, APP for the State.

Mr. Kasim Yusuf Shaikh, Advocate for respondent no.2.

Coram : Smt. R.P. SondurBaldota, J.

Date : 16th February, 2016

P.C.

1 This revision application is directed against the order dtd.29th October, 2012 passed by the Court of Sessions, Kalyan, dismissing the applicant's application, Exhibit 3 for discharge from Sessions Case No.63 of 2005. The applicant is being prosecuted for the offences punishable under Sections 354, 504, 506 and also under Sections 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and as well as under Sections 7(1)(d) of Protection of Civil Rights Act. Mr. Kadu, the learned advocate for the revision

applicant submits that the charge under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 cannot be framed against the applicant because admittedly the complainant is Hindu-Sindhi by birth and she is not the member of the Scheduled Caste. Since there are other offences alleged against the revision applicant, the Sessions Court has rightly dismissed the application for discharge of the applicant. It is always open to the applicant to make submission before the Sessions Court when the charge is being framed that the charge under the Atrocities Act cannot be and should not be framed. Hence, the revision application is dismissed.

2 As the proceedings are pending since the year 2005, the Sessions Court shall endeavour to dispose the same off as expeditiously as possible.

(Smt. R.P. SondurBaldota, J.)