

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

CRIMINAL APPLICATION (APL) NO. 765/2015.

Dr. Amar Rameshchandra Sarda and another.

-VERSUS-

State of Maharashtra and another.

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : NOVEMBER 29, 2016.

Heard Shri K.S. Malokar, learned counsel
for the applicants, Shri M.J. Khan, learned A.P.P. for
non-applicant no.1 and Shri H.R. Gadhia, learned
counsel for non-applicant no.2. Perused papers.

2. Effort of Shri Malokar, learned counsel is
to demonstrate that the alleged incident on the basis of
which commission of offence under Section 3[1][ix] of
Scheduled Caste, Scheduled Tribe (Prevention of
Atrocities) Act, 1989 is being claimed has not been
shown in any public place and ingredients thereof are
not made out.

3. Respective counsel for non-applicants

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point out that investigation was already over way back in the year 2011, and charge sheet is also presented by non-applicant no.1. The present proceeding under Section 482 of Criminal Procedure Code is filed on 19.10.2015 i.e. more than 4 years thereafter. They submit that in this situation, the matter can be allowed to be looked into by the trial Court.

4. After hearing respective counsel and perusal of records, we find that the applicants were given anticipatory bail by the Additional Sessions Judge-2, Achalpur on 30.03.2011. Thereafter investigation is over, and in present petition challenge is to criminal case registered with Additional Sessions Judge, Achalpur. Why the challenge could not be raised for a period of more than 4 years is not apparent.

5. Shri Malokar, learned counsel however, submits that wrongs which have surfaced and committed by non-applicant no.2 before his first complaint were being enquired into and when ever some steps are taken in that direction, a false complaint is being lodged by the non-applicant no.2. We keep that contention open. If that be the position,

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it is open to the applicants to act in the matter as per law.

6. Here as extra ordinary remedy is invoked for more than 4 years after filing of the charge sheet, we are not inclined to interfere in the matter.

7. Keeping all rival contentions over, and with liberty to applicants to raise all contentions before the trial Court, as per law, at appropriate juncture, we dispose of the present proceedings. No costs.

JUDGE

JUDGE

Rgd.