

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

CRIMINAL WRIT PETITION NO. 807/2016.

Balasaheb Bhanudas Patil

-VERSUS-

District Magistrate/Collector, Akola and others.

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 30, 2016.

Heard Shri A.R. Deshpande, learned
Counsel for the petitioner and Shri S.S. Doifode,
learned A.P.P. for respondents.

2. Perused judgment of Hon'ble Supreme
Court reported at **2001 AIR (SC) 93 (Manish Dixit**
.vrs. State of Rajasthan), particularly paragraph
no.43. Learned A.P.P. has invited, our attention to
judgment of Hon'ble Supreme Court reported at
(2014) 5 SCC 108), **(State of Gujarat .vrs.**
Kishanbhai). He has also relied upon the provisions
of Section 4[3] of the Scheduled Caste, Scheduled
Tribes (Prevention of Atrocities) Act, 1989.

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3. Section 4[3] of the 1989 Act, empowers and obliges the trial Court to take cognizance of dereliction of duties by public servant. Here, the public servant is allegedly not found to have procured necessary caste certificates. We are not at this stage required to record any finding on this aspect. Learned Special Court has not taken cognizance as warranted by Section 4[3] of the 1989 Act, but, had directed the District Magistrate to enquire into the matter. It is thus, obvious that the petitioner will get all necessary opportunity during that enquiry.

4. In the light of the statutory provisions mentioned supra and directions of Hon'ble Supreme Court in penultimate paragraph of its judgment (supra), we find no case made out warranting interference. However, keeping all rival contentions open, we dispose of the present petition. No costs.

JUDGE**JUDGE**

Rgd.