

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 158 OF 2017

NAGARAJ RAMA KALE., ... Petitioner

Versus

STATE OF GOA, THR. CHIEF
SECRETARY, GOVT OF GOA AND 5 ORS., ... Respondents

Ms. Z. Desai holding for Mr. Nagaraj R. Kale, Petitioner in person.

Mr. P. Faldessai, Addl. Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 23rd November 2017

P.C. :

The limited prayer made on behalf of the petitioner in this petition is about the disposal of his application to the District Magistrate purportedly filed under Rule 4 (5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Sub Rule 5 of Rule 4 of the said Rules provides that the District Magistrate or the Sub-Divisional Magistrate may, if deemed necessary or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts on payment of such fee as he may consider appropriate.

2. The record discloses that said application has been forwarded

to the District Magistrate in November 2016 which is yet to be decided. The trial before the learned Special Court is pending for want of appointment of the Special Public Prosecutor. The learned Additional Public Prosecutor states that the application has been forwarded to the Director of Social Welfare. A bare reading of Rule 4(5) of the Rules shows that the District Magistrate or the Sub Judicial Magistrate is the authority to appoint such a counsel. In any event the application has to be decided expeditiously, so that the trial can commence. In such circumstances, we dispose of the petition with a direction to the respondent no.2 to decide the application, as expeditiously as possible and within a period of eight weeks from the receipt of this order. The petition is disposed of in the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.

C. V. BHADANG, J.

ap/-