

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 272 OF 2018

1. Vinod Nivruti Govardhane .Petitioners
Age : 33 yrs
2. Mohan Vithoba Govardhane
Age : 45 yrs
3. Ankush Nivruti Govardhane
Age : 26 yrs
4. Sampat Balu Govardhane
Age : 24 yrs
5. Sagar Bhaskar Govardhane
Age : 22 yrs
6. Rahul Raisaheb Govardhane
Age : 21 yrs
7. Deepak Eknath Govardhane
Age : 26 yrs
8. Bhausahab Kashinath Govardhane
Age : 40 yrs
9. Sagar Govind Govardhane
Age : 19 yrs
10. Vinod Bhairu Khathare
Age : 26 yrs
11. Manik Damu Govardhane
Age : 24 yrs
12. Sanjay Shivraj Govardhane
Age : 25 yrs

13. Bharat Tukaram Govardhane
Age : 22 yrs
14. Prakash Genu Govardhane
Age : 33 yrs
15. Sachin Khandu Govardhane
Age : 17 yrs
16. Rahul Tanaji Govardhane
Age : 17 yrs
17. Govind Jayram Govardhane
Age : 27 yrs
18. Uttam Sudam Govardhane
Age : adult
19. Shivaji Karbari Govardhane
Age : 50 yrs
20. Nana Balu Govardhane
Age : 28 yrs
21. Manoj Kailash Govardhane
Age : 22 yrs

All r/o. Sanjegaon, Tal. Igatpuri,
District : Nashik

Vs.

The State of Maharashtra
At the instance of Wadivare Police
Station, Tal. Igatpuri,
District : Nashik

.Respondent

Mr. S. P. Dighe, Advocate, for the Petitioners
Mr. V. Chate, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 24.01.2018

ORAL ORDER

. Heard learned counsel for the parties.

2. Rule.

3. Rule is made, returnable forthwith with the consent of the parties and is taken up for final disposal.

4. By this Petition, the Petitioners have impugned the Order 02.01.2018 passed by the learned Special Judge (S. C. S. T. Act), Nashik, by which the learned Special Judge was pleased to reject the Applicants' Application for adjournment, as well as the order of "No cross".

5. Perused the papers. The Applicants are accused, who were arrested in connection with C. R. No. 227 of 2016 registered with the Wadivare Police Station, Nashik for the alleged offences punishable under Sections 307, 326, 452, 143, 147, 148, 149, 323, 504, 506 of the

Indian Penal Code, under Sections 3(2)(V), 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 37(1)(3) of the Bombay Police Act. After investigation, charge-sheet was filed and the case was committed to the Court of Sessions. Charge was framed as against the Petitioners. On 02.01.2018, the first prosecution witness – Chintaman Balu Bukane was examined by the prosecution. After his examination-in-chief was over, the Advocate for the Applicants filed an Application and sought adjournment of 8 days, on the ground that they have to refer to certain important documents and that certain documents were to be received under the Right to Information Act. The learned Special Judge vide Order dated 02.01.2018 passed below Exh. 51 in S. C. No. 40 of 2016 was pleased to reject the said Application and passed an order of “No cross”.

6. Learned counsel for the Petitioners states that he will not seek any further adjournment in the said case and will proceed with the case and co-operate in the conduct of the trial. Statement accepted.

7. If the right to cross is taken away, it will cause irreparable damage to the Petitioners. By way of indulgence and in the interest of

justice, the impugned Order dated 02.01.2018 passed by the learned Special Judge (S. C. S. T. Act), Nashik below Exh. 51 in S. C. No. 40 of 2016 is quashed & set aside including the order of “No cross”. The Petitioners are permitted to cross-examine PW.1 - Chintaman Bukane on the next date.

8. Accordingly, the Petition is allowed.

Rule is made absolute in the aforesaid terms.

(REVATI MOHITE DERE, J.)