

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

CRIMINAL WRIT PETITION NO. 1823 OF 2016

Milind Bhikaji Bagle..

...Petitioner.

Versus

The State of Maharashtra & ors.

...Respondents.

Mr. Kuldeep S. Patil, advocate for petitioner.

Mrs. Aruna S. Pai, APP for State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : NOVEMBER 8, 2019.

P.C.:

1 Advocate Mr. Patil is seeking time as papers are misplaced. When hearing started and learned APP pointed out certain facts, he submitted that after direction under section 156(3) of the Code of Criminal Procedure, 1973 issued by 65th Metropolitan Magistrate, at Andheri, Investigating Officer instead of recording statement of petitioner/complainant has chosen to record statement of his wife. Wife belongs to a different caste and petitioner therefore, may face difficulties in proving the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Talwalkar

2 Learned APP submits that petitioner could have immediately approached Magistrate and made this grievance or could have contacted Investigating Officer with it.

3 We find that the matter was called on 15/2/2019 and as nobody has appeared for petitioner, it was required to be adjourned.

4 In this situation, we grant petitioner leave to approach the Court which has issued direction under section 156(3) of the Code of Criminal Procedure, 1973 with these grievances. Keeping contentions open and with this liberty, we dispose of present petition.

(SMT. SADHANA S. JADHAV, J) (B.P. DHARMADHIKARI, J)