

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.783 OF 2017

Shankar Namdeo Gaikwad & Anr. ... Applicants.
V/s.
The State of Maharashtra & Anr. ... Respondents.

WITH
CRIMINAL APPLICATION NO.334 OF 2019 IN C.A.783/2017
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Ramesh Machhiindra Waghmare ... Applicant.
V/s.
The State of Maharashtra & Anr. ... Respondents.

Mr.R.D. Suryavanshi for the Applicant.
Mrs.Aruna S. Pai APP for the State.
Mr.Nitin Satpute with Nilesh P. Zolte i/b Anand Khanderao for
Respondent No.2.

CORAM : B. P. DHARMADHIKARI
S. S. JADHAV, JJ.
DATE : 7TH NOVEMBER, 2019.

P.C.:

1] The applicants-accused have approached this Court questioning cognizance of the FIR. This Court on 8th September, 2017 modified the interim order already operating and restrained the Investigating Officer from filing the charge-sheet.

2] Today, learned counsel for Respondent No.2 (original complainant) points out that on 4th May, 2019 Respondent No.1 has submitted "C" summary thereby pointing out to the trial Court that no criminal offence has been made out.

3] He invited attention to two applications filed before this Court to urge that by one application Respondent No.2 is seeking direction to the State Government to appoint Competent Police Officer as required under section 9 of the SC & ST (Prevention of Atrocities) Act, 2016 and Rule 7(1) of the SC & ST (Prevention of Atrocities) Rules, 2016 to investigate into crime. By other application, suitable compensation and other reliefs are being claimed.

4] Learned counsel for the applicant is seeking time and is also awaiting instructions.

5] In this situation, we find that interest of justice would be met by permitting the trial Court to proceed further in the matter in accordance with law. The grievance made by Respondent No.2 in two applications (supra) can be looked into by the trial Court, if occasion arises.

6] Copy of "C" summary tendered by Respondent No.2 is taken on record as Exhibit-A.

7] As "C" summary is filed, grievance raised by the applicant does not survive in the present matter.

8] With these observations, we dispose of the applications.

(S.S. JADHAV, J.)

(B. P. DHARMADHIKARI, J.)