

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4775 OF 2015

Sanjay Pandurang Ghadigaonkar ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Laxman Deshmukh for the petitioner.

Mr.K.V. Saste, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : NOVEMBER 14, 2019

P.C.:

A short contention of the petitioner is cognizance of the police report filed by respondent no. 5 and registering FIR under sections 465, 466, 467, 468, 471, 419,420 and 193 IPC on that basis is without jurisdiction. Learned counsel states that in the wake of section 11(1) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes(Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short "Said Act") such jurisdiction vests only with the Caste Scrutiny Committee and the officer authorized by it can

only file the complaint. Support is being taken from the Division Bench Judgments reported at 2014 ALL MR (Cri) 1192 (Shamim Bano d/o. Janu Mohd Pathan and anr. Vs. State of Maharashtra) and 2014 All MR (Cri) 1259 (Suresh Subhashrao Bhoyar Vs. Shrimati Hemlata Bapurao Patil and anr). The Judgment reported at 2015 ALL MR (Cri) 4025 (Vilas s/o. Rambhau Majrikar Vs. State of Maharashtra) is also relied upon for this purpose.

2. The first two judgments are delivered by the same Bench on the same day. There offences looked into are under sections 409, 467, 468, 471 and 420 of IPC. However, section 11(2) finds mention and then there is a conclusion. These judgments do not show that the offences under IPC are wiped out after coming into force section 11(1) of the said Act. The judgment in Vilas s/o. Rambhau Majrikar Vs. State of Maharashtra (supra) considers the offences under sections 11 and 13 of the said Act and concludes that the filing of the police complaint or FIR under section 12 of the said Act is not envisaged in law. It does not show that there can not be prosecution of IPC offences.

3. These are not the issues arising in the matter. Respondent no. 5 has filed the complaint simply under IPC and its cognizance has been taken and FIR has been registered. However, we keep all contentions of the petitioner open and with liberty to the

petitioner to raise it at appropriate juncture, dispose of the present petition.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)