

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL WRIT PETITION NO.1556 OF 2019

**SHIVRAJ S/O. DADARAO PATIL @ SURYAWANSHI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Rajendra Deshmukh, Senior Advocate a/w Ms. Ashwini Sahasrabudhe, Advocate i/b Mr. Devang Deshmukh, Advocate for the petitioners
Mr. Shriram Deshmukh, Advocate h/f Mr. Vishal Chavan, Advocate for the respondent No.4

CORAM : N. R. BORKAR, J.

DATE : 22-11-2021

P. C.

. This petition takes an exception to the order dated 14-08-2019 passed by the learned Additional Sessions Judge, Kandhar.

2. The petitioners are accused in Crime No. 59 of 2017, registered by Mukhed Police Station for the offences punishable under Sections 324, 504, 506 read with Section 34 of the IPC and Section 3 (1)(r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The Investigating Officer after recording the statement of witnesses had moved an application before the Sessions Court

seeking permission to delete from crime in question for the offence punishable under Section 3 (1) (r)&(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The said application came to be rejected by the learned Additional Sessions Judge by the order impugned.

3. Today, the learned APP has tendered affidavit-in-reply to the present writ petition. The Investigating Officer in para No. C of affidavit-in-reply has stated as follows:

"C. That, after full investigating of the crime the charge sheet has been already filed against the petitioners/accused under Section 324, 504, 506, 34 of the Indian Penal Code 1860 r/w Section 3(1)(r)(s), 3(2)(5a) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 and the same is pending before the Hon'ble Additional Sessions Judge Kandhar Link Court Mukhed for trial."

4. In view of the filing of charge-sheet nothing survives in the present petition. Hence, the petition is dismissed.

[N. R. BORKAR, J.]