

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO.120/2021

Nivrutti Dnyandeo Sabe Vs. The State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S. D. Chande, Advocate for Appellant.
Shri T. A. Mirza, A.P.P. for Respondent No.1/State.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 09/03/2021.

1. The appellant has filed this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenging the order dated 16.02.2021 passed by the Special Judge, Khamgaon, District Buldana in Special Case No.39/2020. While filing the appeal, the appellant has made Dilip Namdeo Kalaskar as a party respondent No.2. From the title itself it is clear that Dilip Namdeo Kalaskar was dead before filing of the appeal. By adding respondent No.2 as party to the appeal, the appellant has committed blunder which shows complete non-application of the provisions of law while drafting the appeal. We strongly deprecate filing of such appeal when the appellant was knowing that the respondent No.2 was dead before filing of the appeal.

2. The learned Advocate for the appellant shall take care in future that such mistake shall not be repeated.

3. The learned Advocate for the appellant after arguing the appeal for sometime, on instructions, seeks permission to withdraw the present appeal. He submits that the Special Case No.39/2020 pending before the Special Judge, Khamgaon, District Buldana may kindly be directed to be concluded within a period of three months.

4. Having considered the facts of the present case, we are of the view that the interest of justice will be sub-served if the Special Judge, Khamgaon, District Buldana is directed to decide the trial till 31.07.2021.

5. We therefore pass the following order :

i] The appellant is permitted to withdraw the appeal.

ii] The learned Special Judge, Khamgaon, District Buldana is directed to conclude and decide Special Case No.39/2020 on or before 31.07.2021.

The appeal is dismissed accordingly.

JUDGE

JUDGE