

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPA) NO. 514/2021 IN**  
**CRIMINAL APPEAL NO. \_\_\_\_\_/2021**

(Lata Kishor Sarvayya Vs. State of Maharashtra & 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. B. Gandhe, Advocate for applicant/appellant.  
Shri M. J. Khan, APP for non-applicant/State.

**CORAM : VINAY JOSHI, J.**  
**DATE : 16.09. 2021.**

Heard.

2. The applicant/appellant is seeking for condonation of delay of 196 days caused in filing appeal challenging the order of rejection of pre-arrest bail. To oppose this application, learned APP for non-applicant/State has relied on the second proviso to Section 14-A(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (SC and ST Act) which precludes the Court from entertaining the appeal beyond 180 days after expiration of period of limitation. Learned counsel for the applicant

**2**

would submit that second proviso below Sub-section (3) of Section 14-A of the SC and ST Act has been struck down by the Full Bench of Alahabad High Court and it has been considered by the Division Bench of this Court. In support of said contention, he relied on the decisions of this Court in cases of Criminal Application (APPA) No. 895/2019 (State Vs. Imran Khan Akbar Khan & ors.) decided on 16.12.2020 and Criminal Application No. 35/2019 in Criminal Appeal (ST) No. 34/2019 ( Rashid Kasim @ Kashid Tamboli & anr.) decided on 15.02.2019. Bare reading of these decision makes it clear that the proviso has been struck down, meaning thereby it has no application

3. The applicant would submit that the Trial Court has granted interim protection and after rejection of main application, he was not aware for long time. Ultimately, the applicant's claim for pre-arrest bail has been rejected which pertains to the right of life and liberty. Having

**3**

regard to said fact, delay stands condoned.

Application is allowed and disposed of.

**CRIMINAL APPEAL NO. \_\_\_\_\_/2021**

1. Heard.

2. Issue notice to the respondents  
returnable on 29.09.2021.

3. Learned APP for the respondent No. 1  
waives service of notice.

4. Stand over to 29.09.2021.

**JUDGE**

Gohane.