

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3878 OF 2021**

Anita Bernadine Lewis and ors.	Petitioners
Versus	
The State of Maharashtra	Respondent

Mr. Amar Ashok Gharte, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 10th JANUARY, 2022.

P.C. :

1. Heard learned counsel for the petitioners. Since, the petitioners are pressing a limited grievance in the petition, the petition is taken up for hearing and disposal with consent of the learned counsel appearing for the respective parties.

2. It is the submission of the petitioners that a report came to be lodged at Kalyan Police Station, at the instance of one Hanuman Kashinath Tandel, on allegations that the accused persons named in the complaint/report committed offences under Sections 3(1)(x) and 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as offences under Sections 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioners are the accused persons. On lodgement of report, the investigating agency was set in motion. Necessary formalities of investigation were carried out. The statements of the witnesses were recorded. Ultimately, the investigating agency, on completion of investigation, filed a charge-sheet before the competent Court. The petitioners had a reasonable belief that the charge-sheet failed to disclose any material against them. Accordingly, the petitioners by taking recourse to the provisions of law and, in particularly, under Section 227 of the Code of Criminal Procedure, 1973, filed an application before the learned Special Judge, Kalyan, seeking discharge. Our attention was invited to the copy of the application placed on record at Exhibit -C, page 55 of the petition. The application runs in as good as 17 pages and it can be safely said that the application was filed before the competent criminal court in the month of January 2014. Learned counsel for the petitioners submitted that as there is no practise of assigning separate number to the application, the application is un-numbered and only referred to as an application in Sessions Case No.130 of 2013 pending before the learned Special Court at Kalyan. Learned counsel for the petitioner further submitted that the matter appeared before Court below on various dates and at times, it was substantially heard also but for one or the other reason, neither the application is finally heard nor any order is passed till filing of the petition and as such, the petitioners were left with no choice

but to approach this Court. At this stage, learned counsel for the petitioners submitted that recently he has been informed that today itself the application is listed before the learned Special Judge, Special Court, Kalyan. In view of these facts, we deem it appropriate to pass the following order :

ORDER

1. Learned Special Judge, Special Court, Kalyan, is directed to dispose of the application filed in the month of January 2014 at the instance of the petitioners under Section 227 of the Code of Criminal Procedure, 1973, as early as possible and not later than eight weeks from today if it is already not decided by the said competent Court.

With the above directions, the writ petition stands disposed of.

4. Learned APP to communicate the order of this Court to his counter part appearing in the matter at Kalyan Court.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)