

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

CRIMINAL APPEAL NO.226/2022

Sudhakar s/o Vithobaji Waghmare Vs State of Maha., thr. P.S.O., P.S. Sindi Railway,
Tah. Seloo, Dist. Wardha and another.

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

Court's or Judge's Order

Shri J.R. Kidilay, advocate for the Appellant.
Ms S.S. Jachak, APP for the Respondent No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : 13/04/2022.

1. Issue notice to the respondents, returnable on 27/04/2022.
2. Ms S.S. Jachak, learned APP waives service of notice to the Respondent No.1/State.

CRIMINAL APPLICATION (APPA) NO. 281/2022

1. The present appeal filed under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Atrocities Act'), the order below Exhibit-14, dated 16/02/2022 passed by the Additional Sessions Judge, Wardha, in Special (Atrocity) Case No. 93/2020 is under challenge, whereby the application of the applicant for discharge has been rejected.

2. Learned counsel for the applicant is pressing for ad-interim stay to the proceeding by citing that today, the matter is fixed for framing of charge and once the charge is framed, this matter would render infructuous.

3. It is pointed out that, the FIR in-question is a counterblast of a complaint lodged by the wife of the applicant, on 09/06/2019 for the offence punishable under Sections 323, 504 and 506 against the husband of the complainant.

4. It is submitted that prior to filing of the FIR by the respondent No.2, one N.C. Report was filed on 09/06/2019. However, in the said report, there were no allegations attracting the provisions of the Atrocities Act. However, in the complaint lodged on 11/06/2019 relating to same incident, allegations are made on the basis of which the offence was registered against the applicant under the Atrocities Act along with the provisions of the Indian Penal Code. He thus submits that, the aforesaid complaint made by respondent No.2 is a false complaint and made with an intention to falsely implicate the applicant in the alleged offence.

5. Having considered the submissions made by the learned counsel for the applicant and also after perusal of the documents available on record, I am of the opinion that *prima facie* there is a substance in the submissions of the learned

counsel for the applicant. Accordingly, I pass the following order;

i] Criminal application is **allowed**.

ii] By way of ad-interim direction , the proceedings of Special (Atrocity) Case No. 93/2020 pending before the Additional Sessions Judge, Wardha, is hereby stayed until further orders.

iii] Authenticated copy of this order be furnished to the learned counsel for the parties.

[JUDGE]

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