

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

CRIMINAL APPLICATION (APL) NO. 1169 OF 2019

Yuraj Uprade Vs. The State and another

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.
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Mrs. Maira A. Syed, Advocate for the applicant
Ms. Mayuri Deshmukh, APP for non-applicant / State

**CORAM : V.M. DESHPANDE AND
ANUJA PRABHUDESSAI, J.J.**

DATE : 27th JANUARY 2022

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant.

3. By the present application under Section 482 of the Code of Criminal Procedure, the applicant is praying for quashing of Special Atrocity Case No.16/2015, pending on the file of the learned Additional Sessions Judge, Gondia on the ground that the Investigating Officer has not followed the procedure, as contemplated while conducting investigation under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

4. The First Information Report is filed by the non-applicant No.2 against the applicant on 01/07/2015 culminating into the registration of the offences punishable under Sections 452, 294, 323, 506 read with

Section 34 of the Indian Penal Code and under Section 3(1)(10)(12) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The learned counsel for the applicant also submitted that the Investigating Officer after completion of entire investigation filed a final report before the competent Court. Not only according to the learned counsel for the applicant herself, the learned Additional Sessions Judge Gondia has framed charge against the applicant and trial has already commenced and inasmuch as certain witnesses are examined by the prosecution.

5. In view of the aforesaid, we are refraining ourselves from entertaining the arguments made by the learned counsel for the applicant that the investigation was not properly conducted by the Investigating Officer.

6. In that view of the matter, we are not exercising our jurisdiction under Section 482 of the Code of Criminal Procedure. Hence, the application is rejected.

JUDGE

JUDGE

MP Deshpande