

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.555 OF 2023**

**SHIVKUMAR VENKATRAO PATIL @ GOJEGAONKAR AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioners : Mr. S. S. Gangakhedkar  
APP for Respondent No. 1: Mrs. G. L. Deshpande  
Advocate for Respondent No. 3 : Mr. R. B. Patil Narvade

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**CORAM : R.M. JOSHI, J**

**DATE : SEPTEMBER 13, 2023**

**PER COURT :**

1. At the outset, learned Counsel for Respondent No. 3 raises objection with regard to the maintainability of Writ Petition on the ground of orders passed by the Special Court under Atrocities Act are appealable under Section 14(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned Counsel for the Petitioners has prayed for converting this Petition into Appeal.

3. The said submission is opposed by learned Counsel for Respondent No. 3 by submitting that since the Petition is not maintainable, the same be dismissed.

4. Even if the submissions of Counsel for Respondent No. 3 are accepted, it is open for the Petitioner to file an Appeal, the period spent during the prosecution of present Petition needs to be excluded. With exclusion of this Petition i.e., from the date of filing of the Petition till today, the Petitioner is permitted to prefer Appeal.

5. Hence, Petition is disposed of with liberty to file appeal in accordance with law. Interim relief to continue for the period of four weeks.

6. Fees of Counsel appointed for Respondent No. 3 is quantified @ Rs. 6,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani