

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY STATE NO.113 OF 2020

THE STATE OF MAHARASHTRA
VERSUS
VITHOBA SUKDEO PATIL AND OTHERS

...
APP for Appellant – State : Mr. S. J. Salgare

...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 19th June, 2023.

ORDER :-

. Learned APP submits that inadvertently an application has been filed under Section 378(1)(b) of the Code of Criminal Procedure when the respondents had faced trial for the offences punishable under Sections 302, 363, 366. 452, 143, 147, 148, 323, 504 and 506 read with Section 149 of Indian Penal Code or alternatively read with Section 34 of Indian Penal Code and under Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “Atrocities Act”). In view of the fact that there is separate provision under Section 14-A(2) of the Atrocities Act, the appeal ought to have been filed under the said Section. He, therefore, seeks leave to amend.

2. Leave to amend is granted.

3. Amendment to be carried out within two days.
4. Necessary changes, if any, in the body of the petition, is also allowed.
5. After the amendment is carried out, registry to register this application as criminal appeal and in that circumstance, the Application for Leave to Appeal No.113 of 2020 would stand disposed of.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm