

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3646 OF 2023
IN
CRIMINAL APPEAL NO. 801 OF 2023

Chandrakant s/o Kishan Magare

...Applicant

(Intervenor/Original Complainant)

Versus

The State of Maharashtra & Ors.

...Respondents

...

Advocate for Applicant : Mr. Arvind G. Jadhav

Advocate for respondent nos. 2 to 5 : Mr. Avinash Borulkar

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 29TH SEPTEMBER, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant, who is original complainant, is seeking direction to the appellants in Criminal Appeal No. 801 of 2023 to add him as party respondent.
3. The learned counsel for respondent nos. 2 to 5, who are original accused nos. 3, 4, 5 and 7 respectively, strongly opposes the application on the ground that since these respondents are not convicted under the provisions of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereinafter referred to as “Atrocities Act”], there is no need to make the present applicant as a party respondent. It appears that there are two appeals filed by the original accused arising out of the same incident, namely, Criminal Appeal No. 809 of 2023 and the instant one. In Criminal Appeal No. 809 of 2023, the appellants therein are convicted under the provisions of Atrocities Act and in that appeal the present applicant is already made as party respondent.

4. It is significant to note that since both these appeals are arising out of the same judgment and order, both these appeals will be preferably heard together. Therefore, since the applicant is already a party respondent in one of these appeals i.e. Criminal Appeal No. 809 of 2023, there is no need to add him as party respondent in Criminal Appeal No. 801 of 2023 wherein the accused are not convicted under the provisions of Atrocities Act. As such, the instant **application stands rejected**. However, liberty is granted to the applicant to make submission in this appeal through his learned counsel, if required.

[SANDIPKUMAR C. MORE]
JUDGE

SG Punde