

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.294 OF 2024

Amit Shyam Pendhari .. Applicant
Versus
State of Maharashtra and Ors. .. Respondents

WITH
CRIMINAL APPLICATION NO.295 OF 2024

Ramakant Ranjan Khambe .. Applicant
Versus
State of Maharashtra and Ors. .. Respondents

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- Mr. Amit A. Katarnaware a/w. Mr. Aditya A. Katarnaware, Advocates for Applicant in both Applications.
 - Ms. Dhanalakshmi Krishnaiyer, APP for Respondent No.1 - State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 16, 2024

P.C.:

1. Heard Mr. Katarnaware, learned Advocate for Applicant in both Applications and Ms. Krishnaiyer, learned APP for Respondent No.1 - State of Maharashtra.

2. By virtue of the order dated 06.09.2024, this Court had considered the submissions made by both the parties and also recorded their respective submissions. Thereafter this Court has passed a specific order, *inter alia*, calling for reports from Vasai Court and Panvel Court. Both the reports have been received by this Court. There is a further order passed by my predecessor which acknowledges the

receipt of the said reports. The report of Vasai Court is dated 03.10.2024 received from Incharge District Judge-2 and Additional Sessions Judge to Vasai whereas report from Panvel Court dated 04.10.2024 is received from District Judge -1 and Additional Sessions Judge, Panvel. Report from Vasai Court categorically states that no video recording facility is available in that Court. However, the report of Panvel Court specifically states that the facility for video recording of proceedings under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short '**the said Act**') is infact made available by the Social Welfare Department of State of Maharashtra in two Courts at Panvel.

3. Once this is the position and the imprimatur of decision of this Court dated 13.03.2024 passed in Criminal Appeal No.911 of 2019 and questions referred to the said Court having been answered therein in order to achieve effective implementation of Chapter IV of the said Act which is meant to protect right of the victim, it would be absolutely necessary to ensure video recording in the proceedings even though the said proceedings are in open Court and it will have to be done accordingly.

4. In that view of the matter, there can be no reason or impediment to allow both Applications for transfer of proceedings to the Panvel Court.

5. Ms. Krishnaiyer appears for Respondent – State of Maharashtra, though it is seen that on a previous occasion i.e. 06.09.2024, a different APP had appeared. She would submit that she has heard this Court passing the order and would submit that the representative Inspector is present from Valiv Police Station, Vasai alongwith instructions to brief her. She would submit that she requires time to consider the order dated 06.09.2024 and decision of this Court dated 13.03.2024 in Criminal Appeal No.911 of 2019 as also the twin reports received so that she will be in a better position to apprise the Court. The request made by Ms. Krishnaiyer is granted and allowed. However pendency of these proceedings filed in August- 2024 is nothing but an unnecessary protraction and this shall not be allowed to happen by this Court. Hence these two Applications shall be heard and disposed on the next adjourned date after hearing the learned APP.

6. Stand over to **18th October, 2024**. To be placed under the caption ‘First on Board’.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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