

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 730 OF 2024

Shahaji Sopan Sonawane

... Appellant

Versus

State Government of Maharashtra and Anr.

... Respondents

Mr. Amit Katarnaware a/w Ms. Pooja Dangre for the Appellant.

Ms. Rashmi Tendulkar App for the Respondent No.1-State.

Mr. Suraj Kiran Gore, Crime Branch U-3 Navi Mumbai is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 22 JULY 2024.

P.C. :

1) Heard, Mr. Katarnaware the learned counsel appearing for the Appellant. The grievance raised by him is with regard to failure on the part of the learned Special Judge from passing necessary orders under provisions of sub Section 6 of Section 15A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**). He would invite my attention to the correspondence made by the learned Special Judge to the Chief Secretary on 7/10 October 2019 and 28 February 2022 for provision of socio-economic rehabilitation of the victim as mandated under Clause (c) of

sub Section 6 of Section 15A. He would also rely upon Order dated 16 September 2022 passed by the learned Special Judge requisitioning in contingency plan for providing relief to the complainant. He would submit that, though the crime has been committed on 19 July 2016, no relief is provided to the complainant despite passage of eight long years. He would further highlight the fact that this Court has already enlarged the accused on bail by Order dated 25 October 2023. He would submit that instead of providing the travelling and maintenance expenses as well as socio-economic rehabilitation as mandated under Clauses (b) and (c) of sub Section 6 of Section 15A, the learned Judge is now proceeding to complete the trial in expeditious manner by highlighting direction given by this Court in para 6 of the Order dated 25 October 2023.

2) I have perused the impugned Order dated 8 July 2024. On application filed by the Appellant at Exhibit 289, it appears that the learned Judge has issued notice to the Chief Secretary who is impleaded as Respondent/Accused in the said Application at Exhibit 289. In my view, since the power for provision of various facilities under sub Section 6 of Section 15A is conferred on the Special Court, it would be necessary that the Application at Exhibit 289 is decided by the learned Judge. The learned Judge has already issued notice to the Chief Secretary and I am sure that the Application filed by the Appellant at Exhibit 289 would be decided by the learned Judge rather than keeping the same pending on the ground of expeditious conclusion of the Trial. I am informed that the next date in the Trial is 26 July 2024. The learned APP is directed to ensure that necessary instructions are given to the learned Special Public Prosecutor with regard to

Application at Exhibit 289 so that hearing of the said Application can also be conducted on 26 July 2024 and on further adjourned dates. Since the learned Special Judge is yet to decide the Application at Exhibit 289, it would be premature on the part of this Court to decide the same at the first instance. With the above observations, the Appeal is disposed of.

[SANDEEP V. MARNE, J.]