

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1200 OF 2024

Hirabhai Jethabhai Sosa

....Appellant

V/S

Meghna Madhukar Pati & Anr.

....Respondents

Mr. Aseem Naphade with Mr. Anant Ratnaparkhi, Mr. Vayee Tiwari i/b Mr. Aditya Rai *for the Appellant.*

Ms. Bhakti Jugal a/w Ms. Sayali Gangal *for Respondent No.1.*

Ms. Anuja S. Gotad, APP *for Respondent No.2 / State.*

CORAM: SANDEEP V. MARNE, J.

DATE : 18 DECEMBER 2024.

P.C.:

1 When the Appeal came up before this Court on 3 December 2024, this Court passed the following order:

“1. This is an Appeal filed under provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging order dated 1 August 2024 passed by the learned Special Judge, rejecting application preferred by the Complainant for video recording of the proceedings as provided under section 15A (10) of the SC & ST Act. It appears that the learned Judge has erroneously considered the Application at Exhibit-21 filed by the original Complainant as the one seeking direction for installation of infrastructure for video recording in the Court. Perusal of the Application at Exhibit-21 filed by the Complainant would indicate that the prayer was not for installation of infrastructure for video recording of the proceedings but the prayer was for video recording of proceedings under section 15A(10) of the SC & ST Act. *Prima facie*, therefore the very consideration of the

Application by the learned Judge appears to be erroneous.

2 The learned Judge has referred to the observations made by the Division Bench of this Court in para 36 of the judgment in ***Hema Suresh Ahuja and others vs. State of Maharashtra and another***, 2024 (3) Mh.L.J. (Cri.) 374, in which this Court had permitted the proceedings to proceed in absence of video recording till facility of video recording of the proceedings is made available by the State Government. It must be observed that this Court has commenced video recording of proceedings under the SC & ST Act as and when application/request to that effect is made by any of the parties. The video recording is made on zoom platform used for conducting virtual hearings.

3 The Registrar of the Sessions Court is requested to place a report before this Court about the infrastructure made available to the learned Special Judges for video recording of the proceedings as provided under section 15A(10) of the SC & ST Act.

4 List the Appeal for further consideration on **18 December 2024**.

5 It is clarified that pendency of the Appeal shall not come in the way of the learned Special Judge proceeding ahead with the Special Case.”

5 In pursuance of the order dated 3 December 2024, the learned Principal Judge, Bombay City Sessions Court has submitted a report dated 13 December 2024 indicating that basic facilities for recording of Court proceedings are available. However the learned Judge has opined that for recording of all proceedings conducted under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) more robust infrastructure and additional parallel reserve recording facility would be necessary. It is also

opined that facilities would also be needed for storing of substantial data created during the course of recordings. The report indicates that the State Government has been requested to provide for the necessary infrastructure for video recording of proceedings conducted under the provisions of S.C. & S.T. Act by letter dated 6 October 2023 and the response is awaited.

6 Report indicates that basic facilities for recording of the Court proceedings are apparently available with the learned Special Judge. Therefore, to the extent technically feasible, the learned Special Judge shall record the proceedings of Special Case No.299 of 2020 as directed by Division Bench of this Court in *Hema Suresh Ahuja and others vs. State of Maharashtra and another*, 2024 (3) Mh.L.J. (Cri.) 374.

7 With the above directions, the Appeal is **disposed of**.

(SANDEEP V. MARNE, J.)

Digitally
signed by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.12.21
16:51:12
+0530