



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 245 OF 2024

Ku. Seema Uttam Dhabarde

Vs.

The State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Rajnish Vyas, Advocate for petitioner.
Shri C. A. Lokhande, APP for respondent/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 19.03.2024

Heard.

2. On oral request of the learned counsel for the petitioner, permission is granted to add the accused as party-respondent to the petition. The amendment to be carried out forthwith.

3. By this petition, the petitioner is challenging the order dated 15.03.2024 passed by the learned Additional Sessions Judge, Chandrapur in Special Case No. 19/2013, whereby the application for issuance of Non-bailable Warrant (NBW) against the Investigating Officer came to be rejected as well as the evidence of the prosecution side was closed.

4. The contention is that the petitioner is a victim and the case is being tried for violation of the provisions of the Scheduled Caste and Scheduled Tribe

(Prevention of Atrocities) Act, 1989 and she has every right to be heard in the case. The Investigating Officer did not appear before the Court for his examination. A bailable warrant came to be issued against him. However, when bailable warrant could not be served, the learned Trial Court closed the evidence of the prosecution side and the matter is now fixed for final argument. It is further contended that if the Investigating Officer is not examined, various aspects will remain to be proved by the prosecution.

5. Issue notice to the respondents, returnable in one week.

6. The learned APP waives service of notice for respondent no. 1/State.

7. In the meanwhile, the Trial Court shall not proceed in the matter till the next date of hearing.

(M. W. CHANDWANI, J.)