



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

CRIMINAL APPLICATION NO.629 of 2024(APPP)
IN
CRIMINAL APPLICATION (APL) NO. 413 OF 2019

Pralhad Tikaram Bopche and ors.-Vs-The State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Virat Mishra Advocate for the applicants.
Mr. Ujwal Phasate,APP for non-applicant-State.

**CORAM : VIBHA KANKANWADI &
VRUSHALI V.JOSHI, JJ**

DATE : 18th JUNE, 2024.

1. Criminal Application No.629 of 2024 is filed on behalf of the Investigating Officer seeking permission to file charge-sheet. On the last occasion, we came across the letter dated 27.05.2023 given by the Investigating Officer to this Court, wherein a statement was made that the charge-sheet has been filed. In fact by an order dated 23.04.2019 this Court had allowed the investigation to go on. However, directed the Investigating Officer not to take coercive steps and shall not file charge-sheet unless permitted by the Court. Now the learned APP is producing affidavit-in-reply of the Investigating Officer stating that the charge-sheet has been filed by him against the co-accused persons and in the charge-sheet itself he has mentioned that this Court has passed the interim orders and therefore, charge-sheet is not filed at that stage against those accused i.e. present applicants.

2. It appears that there is no willful disobedience of the order passed by this Court. However, one thing will have to be observed that the Investigating Officer could have waited for filing of the charge-sheet. The charge-sheet has been filed by him on 06.08.2019 and it appears that he never informed the said fact either to this Court or to the learned APP till 27.05.2023 and then he filed the present Criminal Application No.629 of 2024 on 02.04.2024 certainly, there is lethargy on the part of the Investigating Officer. Taking into consideration the fact now stated that the Investigation is over even as against the present applicants. We permit the Investigating Officer to file charge-sheet. Such charge-sheet be filed before the learned Special Judge as the offences transpiring are under Section 3(1)(r), 3(1)(s) and Section 3(2) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 together with Section 294, 323, 504 and 506 r/w 34 of the Indian Penal Code. Copy of the charge-sheet be given to the applicants within a period of one week after the charge-sheet is filed.

3. If advised, the applicants may carry out the amendment after receiving the copy of the charge-sheet; in the present application on or before 15.07.2024. Copy of the charge-sheet be filed before this Court around the same date. Copy of the amended application as well as charge-sheet to be given to the learned Advocate for the respondent No.2 on or before 22.07.2024.

4. Criminal Application stands disposed of.

CRIMINAL APPLICATION (APL) NO. 413 OF 2019

Place the matter for further consideration on
25.07.2024.

(MRS. VRUSHALI V.JOSHI,J) (SMT.VIBHA KANKANWADI,J)