



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

901 CRIMINAL APPLICATION NO.3223 OF 2024

ANGAD SHIVAJI KHILLARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.R. Sapkal, Advocate for applicant

Mr. G.A. Kulkarni, APP for respondent No.1

Respondent No.2 - Served

...

CORAM : SMT. VIBHA KANKANWADI &  
ABHAY S. WAGHWASE, JJ.

DATE : 06<sup>th</sup> FEBRUARY, 2025

**ORDER :**

1 Present application has been filed for relaxation of condition imposed by this Court while allowing his Criminal Appeal No.43 of 2023 on 20.02.2023. In fact, that appeal was under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to challenge the rejection of his application under Section 439 of the Code of Criminal Procedure. The appeal was allowed and present applicant came to be released on bail by the said order, however, condition was imposed that

they shall not reside at Singnapur, Tq. & Dist. Parbhani till conclusion of trial.

2           It will not be out of place to mention here that present applicant and another applicant/appellant had filed Criminal Application No.3855 of 2023 for the similar relief. By order dated 19.10.2023 that application was rejected. Present applicant and another applicant had approached Hon'ble Supreme Court by filing petition for Special Leave to Appeal (Cri.) No.14767 of 2023 challenging the order passed by this Court on 19.10.2023. However, it appears that after arguing for sometime and on the reservation in entertaining the Special Leave Petition expressed by the Hon'ble Supreme Court, the learned Advocate for applicant had withdrawn the said application and the present application has been filed.

3           Heard learned Advocate Mr. S.R. Sapkal for applicant and learned APP Mr. G.A. Kulkarni for respondent No.1. In order to cut short, it can be said that they have argued in support of their respective contentions. Respondent No.2 though served failed to appear.

4           At the outset, it is to be noted that when earlier application for the same relief was rejected by this Court and then when the applicant had approached Hon'ble Supreme Court and even Hon'ble Supreme Court had shown disinclination resulting in the withdrawal of the Special Leave

Petition, on the same ground the present application has been filed.

5           We had considered the fact that till today it appears that charge is also not framed and, therefore, we had called the status report from learned Special Judge, under the Atrocities Act (District Judge-3 & Additional Sessions Judge), Parbhani. In his report dated 01.01.2025, he has given the account as to how many matters are pending before him. He also states that he is due for transfer and four months are available with him. According to him, it will take more than 12 months for disposal of the said case considering the total pendency of the matters with him i.e. 727. We are absolutely not happy with the response given by learned Judge. Though he might be due for transfer, this cannot be the ground for not even framing the charge. In his status report, there is absolutely no explanation as to why he has not framed the charge. There has to be a beginning of every case, then only there can be a conclusion. However, if beginning itself is unnecessarily delayed, it amounts to injustice to the other side.

6           Registrar (Judicial) to communicate this order to the concerned Special Judge, under the Atrocities Act that it is not proper for him to adjourn the matters which are pending for framing of charge for indefinite period.

7           At the cost of repetition, when on the same ground, that is, the

applicant has mother to lookafter and he has landed property in the village, we had rejected the application. While rejecting the application we had observed that taking into consideration facts of the case and to protect interest of prosecution witnesses the condition was imposed. Now, no reason is shown for relaxing the same. Application stands rejected.

( ABHAY S. WAGHWASE, J. )

( SMT. VIBHA KANKANWADI, J. )

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