

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 524 OF 2017

Nivrutti Anna Patole

... Petitioner

Versus

Santosh Jayram Yadav & Ors.

... Respondents

Mr. Sujit Nivrutti Patole, P.O.A. of Petitioner.
Mr. A.A. Naik, A.P.P. for Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 12th December 2025.

ORAL ORDER (PER : M.S. KARNIK, J.)

1. The Petitioner, Mr. Nivrutti Anna Patole, appears in person.
2. The Petitioner addressed this Court in Marathi language. We enquired with the Petitioner if he wants any assistance through the Legal Aid. The Petitioner submitted that he has no faith in any of the lawyers and that he would like to present his case through his son in whose favour he has issued a Power of Attorney. The Power of Attorney is taken on record.

3. It would be material to reproduce some of the Orders passed by this Court. Vide Order dated 21st March 2017 this Court observed thus :

“Heard the Petitioner who is appearing in person. Perused the Office Report. The Petitioner is not in a position to understand English language therefore he cannot be granted permission to appear in person. In the interest of justice, we direct Registrar (Judicial) to appoint advocate from the panel of legal aid advocates to espouse the cause of the Petitioner and assist the Court. The Petitioner shall approach the Registrar (Judicial) for further action. Stand over to 19th April 2017.”

4. Then on 6th April 2018 the following Order came to be passed :

“The above Writ Petition has been filed in Marathi. The Petitioner is personally present in Court. he has been denied permission to appear in person by the Committee constituted for the said purpose. He has also been denied permission to appear in person by the Division Bench of this Court comprising Justice Ranjit More and Justice Dr. Shalini Phansalkar-Joshi as he is not conversant with English. In view of the order passed by the Committee as also in view of the order passed by the Division Bench, the Petitioner cannot be permitted to appear in person. The record discloses that the learned counsel Mr. Abbas Zainul Mookhtiar was appointed through legal aid to represent the Petitioner. The learned counsel appeared for the Petitioner between June and December 2017. The Petitioner thereafter on 12th February 2018 sought time to engage new advocate which is recorded in the order passed by a Division Bench of this Court. Today the Petitioner states that his son may be permitted to address the Court. We decline to do so. However, the Petitioner is free to approach the Maharashtra State Legal Services Authority for the appointment of an advocate from the legal aid panel, or engage an advocate himself. To facilitate the same, the above Writ Petition is adjourned beyond vacation i.e. to

15/06/2018 by which date it is expected that the appointment through legal aid etc. would be in place and the above Petition can be proceeded with.”

5. We must also reproduce the Order dated 27th April 2018 passed by this Court.

“1 The above Writ Petition as per order dated 06/04/2018 is to come up on 15/06/2018, however, the above Petition was circulated by the learned counsel Shri V B Ghorpade who now appears for the Petitioner.

2 In view of the fact that the Petitioner has been denied permission to appear in person, we had entertained the motion for circulation made by the learned counsel Shri V B Ghorpade and had accordingly listed the matter today for admission. The learned counsel Shri V B Ghorpade who appears for the Petitioner states that he would like to prepare himself having regard to the nature of the relief sought in the above Writ Petition. We therefore, at his request, defer the hearing of the above Writ Petition to the original date i.e. 15/06/2018.”

6. Upon transfer to the Circuit Bench, on 3rd October 2025, the following Order came to be passed :

“1. Perused the order dated 24th June, 2019.

2. The petitioner says that he wants to appear in person and argue the matter.

3. List on 4th November, 2025.”

7. Today again we asked the Petitioner if he would like to be represented by an Advocate through the Legal Aid. The Petitioner refused. We find that several Advocates were appointed in the past,

however the Petitioner categorically stated that he does not have confidence in any of the lawyers. In such view of the matter, as the Petition is of the year 2017, we thought it appropriate to hear the son of the Petitioner who addressed in Marathi language. The Petition is filed in Marathi language.

8. The sum and substance of the Petitioner's case is that he belongs to the Scheduled Caste and has been deprived of the landed properties illegally by accused for proceedings been filed before the Competent Civil Court as well as the Competent Criminal Court. So far as the Civil proceedings are concerned, though the Orders are not placed on record, the Petitioner submitted that Orders have been passed by the Civil Court from time to time but he is not satisfied with the manner in which his case was dealt.

9. It is material to note the reliefs that are sought in this Petition.

9.1 The relief sought in terms of prayer clause (A) is that, in respect of Gat No.1088, the area admeasuring 34R and Gat No.1093, which accused Nos.1 to 5 have allegedly encroached upon and are presently cultivating, be restored to the Petitioner.

9.2 So far as prayer clause (B) is concerned, the grievance pertains to the survey and measurement conducted in the year 2013 in respect of Survey No.370. The request is that the boundaries be properly fixed.

9.3 Insofar as prayer clause (C) is concerned, the grievance of the Petitioner is that, as he belongs to the Scheduled Caste, accused Nos.1 to 5 have unlawfully entered their names in the 7/12 extract, thereby committed an offence.

9.4 The prayer clause (D) seeks a direction that the accused Nos.1 to 25 are guilty of offence under the various provisions of the Atrocities Act.

9.5 In prayer clause (E), it is prayed that the Petitioner should not be pressurized by the concerned Police Station or the officials when the Petitioner approached the Police Station for lodging the F.I.R. and that the investigation should be carried out fairly.

9.6 In prayer clause (F), relief is claimed that the offence which has been registered should be transferred to C.I.D. for investigation.

9.7 It is then prayed in prayer clause (G) that if any of the revenue officials have committed illegality, then appropriate action should be taken against such revenue officers.

8.8 Vide prayer clause (H) relief is claimed that the Petitioner is working as a Government Contractor for the last 30 years, however because of the mental harassment caused by the accused Nos.1 to 25, the Petitioner has suffered huge financial loss. In such circumstances, since the alleged atrocities have been committed against the Petitioner, accused Nos.1 to 25 should be directed to pay compensation to the Petitioner.

9. We find that some of the reliefs claimed can be appropriately sought from the Competent Civil Court. The Petitioner submits that in fact the proceedings have been filed before the Competent Civil Court and Orders have also been passed. If that is so, it is open for the Petitioner to pursue the Civil proceedings which shall obviously be decided in accordance with law on its own merits. If the Petitioner is aggrieved by the orders passed by the competent Civil Court, it is always open to him to avail the appellate or revisional remedies provided under law.

10. It is the contention of the Petitioner that F.I.R. bearing C.R. No.17 of 2013 dated 20th December 2013 registered with Mhaswad Police Station, District Satara has not been investigated fairly. The charge-sheet has been filed and the trial is pending before the Sessions Court being Special (ATS) Case No. 06 of 2017.

It is the contention of the Petitioner that though the allegations made by the Petitioner against the accused are serious, however the investigation that was carried out by the Investigating Officer was not proper and in fact the accused are being lightly dealt with by applying mild charges. It is further submitted that though a request was made by the Petitioner to the trial Court for applying proper sections having regard to the gravity of the offence, the trial Court is not seriously

considering the application.

11. From the submissions of the Petitioner, we find that criminal proceedings are pending before the trial Court. We leave it open to the Petitioner to file appropriate application before the trial Court for modifying or altering the charges. If such an application is made, we have no manner of doubt that the trial Court shall consider the same on its own merits and in accordance with law having regard to the materials on record.

12. In case the Petitioner is aggrieved by any order passed by the trial Court, it is always open for the Petitioner to take recourse to appropriate remedies provided by law for redressal.

13. With these observations, the Writ Petition is disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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