

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

WRIT PETITION NO.4211 OF 2018

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Tushar Mohan Kachare & Ors.

...Petitioners

V/s.

Vandana Ashok Shinde & Anr.

...Respondents

Mr. Prasad Avhad i/b. Kuldeep Nikam	For the Petitioners.
Mr. Ajinkya Udane a/w Vinayak Pandit (through V.C.) a/w Maitreyee Garade	For Respondent No.1.
Ms. R. S. Tendulkar	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 1st JULY 2025

P.C. :-

1. Heard the learned Advocate appearing for the Petitioners and learned APP and learned appointed Advocate for Respondent No.1. Heard by consent at an admission stage.

2. The order of issuance of process dated 26th July 2018 passed by the learned Special Judge, Satara as per the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC/ST

Act) is challenged. The learned Judge has issued a process against accused Nos. 1 to 7 for the offences punishable under Sections 395, 427, 504, 506 read with 34 of the IPC, 1860 and under Section 3(1)(r)(s), 3(2)(va) of the SC and ST Act, 1989.

3. It is true when this Court has issued a notice on 27th July 2022, the learned Advocate appearing for the Petitioners made the following submissions:-

- (i) Even though the incident is dated 20th December 2013, the private complaint is filed in the year 2018;
- (ii) This complaint is filed as a counterblast to the prosecution initiated by Satara City Police Station against the Respondent and another, for the offences punishable under Section 307 and other Sections of the IPC and there is a charge-sheet filed;
- (iii) The cognizance cannot be taken directly by the Special Court unless and until the case is committed by the trial Court.

4. The learned Advocate has invited my attention to the averments in the compliant. After hearing the arguments, I am not impressed by

any of the grounds. At the time of issuance of the process, one has to see the *prima facie* material. At the time of issuance of process, standard of inquiry expected is not as expected at the time of conclusion of trial. When the averments in the complaint are perused, more specifically paragraph 4, there are averments against the Petitioners showing involvement in the offence alleged and snatching of the Mangalsutra of the Respondent-complainant.

5. It is true the complaint was filed after a gap of almost five years but there is also an averment that the complaint was filed before the Superintendent of Police on 1st January 2014. On this background, complainant was late in approaching the Court, can be a subject matter of an inquiry at a further stage but certainly not at the stage of issuance of process. I reject it.

6. As per the second proviso to Section 14 of SC/ST Act, 1989, the Special Court can directly take cognizance of the offence without commitment, I reject that ground also.

7. For the reasons stated above, there is no merit in the Petition and it is dismissed. The interim relief stands vacated.

8. These are the prima facie observations and the trial court need not be influenced by them. The Petitioners to appear before the trial court on 14th July 2025.

[S. M. MODAK, J.]