

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

WRIT PETITION NO.3476 OF 2025

Pramod Vishwanath Gaikwad

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Sushmit S. Phatale for the Petitioner.

Mr. Y.Y. Dabake, A.P.P. for Respondent No.1 State.

Mr. Arjun Dandegaonkar, P.S.I., attached to Khadakpada Police Station, present.

**CORAM : RAVINDRA V. GHUGE AND
GAUTAM A. ANKHAD, JJ.**

DATE : 23rd JULY, 2025.

P.C. :

1) The Petitioner in this Petition, who claims to be an Interior Designer, has put forth several prayers under paragraph 12 (a) to (i). The Petitioner has arraigned Respondent No.2, a Judicial Officer, by name.

2) The prayer Clauses (a), (c), (d), (e) and (f), are as under :-

(a) That this Hon'ble Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, be pleased to issue an appropriate writ, order, or direction thereby directing the Learned Principal District and Sessions Judge, Thane District, to reassign the matters pertaining to offences under the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to another competent and suitable Special Judge at Kalyan Court (Judicial Officer equivalent to Principal District Judge) who possesses sound knowledge and understanding of the said enactment; and further be pleased to direct the removal of such assignment from H.H.J. Shri XXX XXX XXX, Additional Sessions Judge, Kalyan, in the interest of justice and fair trial;

(b)

(c) Despite consistent directions issued by various Hon'ble Courts, Respondent No.2 has repeatedly failed to comply with mandatory statutory obligations in proceedings under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such persistent non-compliance and disregard for the statutory mandate render him unfit to continue holding the post of a Judicial Officer. Appropriate action may therefore be taken, including the action of suspension of Respondent No.2 from the post of Judicial Officer, and such other directions as this Hon'ble Court may deem just, fit, and proper in the interest of justice and institutional integrity;

(d) This Hon'ble Court be pleased to initiate full-fledged departmental inquiry into his fitness to discharge judicial duties;

(e) This Hon'ble Court is pleased to issue appropriate orders of recommending removal & dismissal of Respondent No.2 from this judicial service for proven incompetence and misconduct;

(f) Pending the hearing and final disposal of the present Appeal, this Hon'ble Court may be pleased to issue appropriate directions to the Learned Principal District and Sessions Judge, Thane District, to reassign the matters

pertaining to offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to another competent and suitable Special Judge at Kalyan Court who possesses sound knowledge and understanding of the said enactment; and further be pleased to direct that the assignment of such matters be withdrawn from H.H.J. Shri XXX XXX XXX, Additional Sessions Judge, Kalyan, in the interest of justice, fair trial, and to uphold the objectives of the said special legislation.”

[The Petitioner has mentioned the name of the learned Judge in prayer clauses (a) and (f). We have masked the name in the said clauses while reproducing the prayers herein above].

3) After hearing the learned Advocate for the Petitioner today for some time, we took a strong exception to the language used and the prayers formulated in this Petition. Such conduct of a litigant, not only undermines the confidence in the Judiciary, it also amounts to brow-beating which is likely to cause stress and tension to a Judicial Officer. If litigants get away with such behaviour, the Judicial Officers would become apprehensive and would not be able to perform their judicial functions, independently and fearlessly.

4) We called upon the learned Advocate for the Petitioner as to whether we should deal with the conduct of the Petitioner or whether he is regretful for the same. The learned Advocate for the Petitioner

submitted on instructions that the Petitioner will tender an affidavit undertaking and that an apology would also be tendered before the same Court (Respondent No.2), on the first approaching date in the pending proceeding and he will seek forgiveness of the said Judicial Officer.

5) The Petitioner has tendered an affidavit undertaking dated 23/07/2025, which is taken on record and marked as 'X' for identification. We direct the Petitioner to tender a written apology/undertaking before the Judicial Officer, Respondent No.2, in Special Case No.394 of 2024 (in the Court of Additional Sessions Judge, Kalyan), **within 21 days from today**, by making an application for taking the case on board. Compliance shall be reported to this Court.

6) We caution the Petitioner that if, henceforth, a single instance of such pleadings or prayers are found in any proceedings initiated by the Petitioner, the same would be viewed very seriously.

7) The learned Advocate for the Petitioner prays for leave to withdraw this Petition, unconditionally.

8) **This Petition is dismissed** as withdrawn on instructions.

9) List this disposed off Petition for reporting compliance before this Court, on **10th September 2025**.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)