



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

CRIMINAL WRIT PETITION NO.296 OF 2025

Vaishali Sanjay Gawai

Vs.

State of Maharashtra, through PSO, Police Station, Amdapur, Tq. Chikhali,
District Buldana and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.J. Thakkar, Advocate for petitioner.
Shri N.R. Rode, APP for respondent no.1/ State.
Shri Anil Mardikar, Sr. Advocate a/b Shri V.R. Deshpande,
Advocate for respondent no.2.

CORAM : M.W. CHANDWANI, J.

DATE : 17.04.2025.

1. Non-issuance of notice to the victim under the provisions of Section 15A (1) or 15A (3) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been questioned in this petition.

2. It is matter of record that by *ad interim* order dated 25.03.2025 respondent no.2 was protected. Learned Senior Counsel for respondent no.2 tendered across the bar Roznamas of the Special Court, which is taken on record and marked as "X" for identification. Roznama reveals that by order dated 24.03.2025 the trial Court had issued notice to the investigating officer and the victim and matter was kept for order on Exh.5 on 25.03.2025. It is apparent that on 25.03.2025 after hearing the learned APP the *ad interim* order came to be passed.

3. Thus, it is apparent from the record that the Special Court before passing order on 25.03.2025 had passed order of issuance of notice to the victim. The provision casts duty on the State to intimate about hearing of the application. Whether the State has informed the victim or not is not clear. However, it is informed that the Court has issued notice dated 24.03.2025 to victim of hearing of the application. The petitioner has appeared and filed an objection to the application for anticipatory. The application is fixed for final hearing on 21.04.2025.

4. Therefore, without going into detail whether the State has intimated the victim in view of the order dated 24.03.2025, the writ petition can be disposed of with a direction to the learned trial Court to hear the victim on the application for anticipatory bail filed by respondent no.2 and pass appropriate order. Accordingly, the writ petition stands **disposed of**.

5. Needless to mention that the trial Judge shall not get influenced by the observations made in this order and decide the application on its own merits.

JUDGE

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