



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

911 CRIMINAL APPEAL NO. 998 OF 2024

SURYAPRAKASH TARACHAND BANSWAL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Shrikant Sali h/f. Nilesh S Ghanekar  
APP for Respondents/State: Mr. P.M. Kulkarni  
Advocate for Respondents : Mr. Solanke Shrikrashna B.  
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CORAM : Y.G. KHOBRAGADE, J.  
DATE : 27.02.2026

PC.:-

1. Heard the learned counsel appearing for the appellant and Mr. Kulkarni the learned APP for the State.
2. By the present appeal under Section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 the appellant takes exception to the order dated 01.07.2024 passed by the learned Special Judge under the SC-ST Act in Criminal M.A. No.113/2024, whereby the appellant/complainant was directed to remain present for verification under Section 202 of the Cr.P.C. and declined to issue direction under Section 156(3) of Cr.P.C.

3. The learned counsel appearing for the appellant canvassed that the impugned order dated 01.07.2024 passed by the learned Special Court declining inquiry under Section 156(3) of Cr.P.C. and calling upon the appellant/complainant for verification of the complaint amounts to final order, therefore, appeal under Section 124 of the Act is not maintainable.

4. Per contra, the learned APP and the learned counsel appearing for the respondents canvased that the impugned order dated 01.07.2024 passed by the learned Special Court calling upon the present appellant/complainant for recording verification under Section 202 of Cr.P.C. and declining investigation under Section 156(3) of Cr.P.C. is purely interlocutory order and as per the provisions of 14-A of the Act appeal is not maintainable.

5. Needless to say that the present appellant has filed Criminal M.A. No.113/224 before the Special Court and alleged that on 07.03.2022 at about 11.30 am the respondent/accused nos.2 to 10 hurled castiest slur in public place and also assaulted him. Therefore, he had approached the concerned police station but no offence was registered. Therefore, he has filed complaint and prayed for investigation under Section 156(3) of the Cr.P.C. On 01.07.2024, the learned Special Court passed the impugned order and held that directions under Section 156(3) of Cr.P.C. is unwarranted and called

upon the appellant/complainant to remain present for recording verification. The learned counsel appearing for the appellant placed reliance on the case of **Panchabai Popotbhai Butani and Ors. V/s. State of Maharashtra and Ors.** decided on 10.12.2009, wherein the Full Bench of this Court held that the petition under Section 156(3) cannot be strictly construed as a complaint in terms of Section 2(d) of the Code and absence of a specific or improperly worded praepr and lack of complete and definite details would not prove fatal to a petition under Section 156(3), in so far as it states facts constituting ingredients of a cognizable offence. Such petition would be maintainable before the Magistrate.

6. In the above cited case, the Full Bench of this Court also referred the case of **Minu Kumari and Anr. V/s. State of Bihar and Ors.; (2006) 4 SCC 359**, and held as under:

*“62. Even in the case of Minu Kumari and Anr. V State of Bihar and Ors., (2006) 4 SCC 359, the Supreme Court held that when the information is laid with the police but no action is taken, the complainant is given power under Section 190 read with Section 200 of the Code to make complaint with the Magistrate for taking cognizance of an offence and the Magistrate himself may proceed with the same in accordance with law. The Court observed as under:-*

*16. When the information is laid with the police, but no action in that behalf is taken, the complainant is given power under Section 190 read with Section 200 of the Code to lay the complaint before the Magistrate having jurisdiction to take*

*cognizance of the offence and the Magistrate is required to enquire into the complaint as provided in Chapter XV of the Code. In case the Magistrate after recording evidence finds a prima facie case, instead of issuing process to the accused, he is empowered to direct the police concerned to investigate into offence under Chapter XII of the Code and to submit a report. If he finds that the complaint does not disclose any offence to take further action, he is empowered to dismiss the complaint under Section 203 of the Code. In case he finds that the complaint/evidence recorded prima facie discloses an offence, he is empowered to take cognizance of the offence and would issue process to the accused. These aspects have been highlighted by this Court in All India Institute of Medical Sciences Employees' Union (Reg.) v. Union of India, (1996)11 SCC 582 : 1997 SCC (Cri) 303. It was specifically observed that a writ petition in such cases is not to be entertained."*

7. In the case in hand, the learned Special Court passed the impugned order dated 01.07.2024 and declined to issue directions under Section 156(3) of the Cr.P.C. and called upon the appellant/complainant for recording verification statement, therefore, the complaint still survived and right of the parties has not been decided. Therefore, the impugned order is purely interlocutory. Section 14-A of the SC-ST Act provides that an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law. However, in the case in hand, it appears that the

impugned order is not a final order but it is an interlocutory order. Therefore, the present appeal is hit by Section 14-A of the Act. Accordingly, it is dismissed.

**[Y.G. KHOBRADE, J.]**