

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1290 OF 2025

Anil Mahadev Chavan

...Appellant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Manoj S. Mohite, Senior Advocate, with Ashwin R. Kapadnis,
for the Appellant.

Mr. A. S. Gawai, APP, for the Respondent-State.

Mr. Sarvesh Deshpande, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 16TH FEBRUARY 2026

PC:-

1. During the course of the hearing, it is found that the learned Special Court without dealing with the merits of the case and without recording any findings as to whether any *prima facie* case is made out for applicability of provisions of the Atrocities Act, rejected the application holding that the Special Court has no jurisdiction. In this regard, the reliance is placed on the judgment of the Division Bench of the Andhra Pradesh High Court in the case of **Smt. Vidadalal Rajani w/o. Kumara Swamy vs. State of Andhra Pradesh**¹

2. This Court has already taken a different view than the one taken by the Andhra Pradesh High Court. It is held by this Court

1 2025 SCC Online AP 3404

by order dated 9th February, 2026, passed in Criminal Appeal (ST) No. 21477 of 2025, **Omraje A. Kalbhor vs. State of Maharashtra and Anr.**, that mere recording of prima facie findings with regard to non applicability of the Atrocities Act, would not lead to the cessation of jurisdiction by the Special Court.

3. Since the Special Court has not dealt with the merit of the case, this Court refrains itself from recording any finding in this appeal for the first time. By doing so, there would be denial of an opportunity of appeal under Section 14A to the aggrieved party.

4. As as result of above discussion, following order is passed;

ORDER

- a) The Appeal stands allowed.
- b) The impugned order is set aside.
- c) The Anticipatory Bail Application No. 8181 of 2025 is relegated back to the Special Court for decision afresh.
- d) The Special Court is directed to record findings with regard to the *prima facie* case being made out or not attracting the provisions of the Atrocities Act and then to decide the application.
- e) It is clarified that the order impugned has been set aside not on merit nor this Court has

expressed any opinion / view with regard to the merits of the case.

- f) Since the charge-sheet has been filed against the co-accused, the liberty of the appellant is protected for a period of three weeks from today.
- g) The Special Court is directed to decide the Application within a period of two weeks from today.

5. The Appeal stands disposed of accordingly.

(R. M. JOSHI, J.)