

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 78 OF 2026

Vandana Kisan Devgirikar And Anr.

...Appellants

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Harshal Deshmukh a/w Parth Talekar i/b Sachin Zalte for the Appellants.

Mr. A.R. Kapdnis, 'B' Panel Counsel for Respondent/State.

Mr. Akshay Dingale for Respondent No.2.

API S. A. Patil, attached to Bharati Vidyapeeth Police Station present.

CORAM : R.M. JOSHI, J.

DATE : 24th FEBRUARY, 2026

P.C. :

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 so 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 by order dated 9th February 2027, passed in Criminal Appeal (ST) No.

1 2025 SCC Online AP 3404

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 a result of above discussion, following order is passed:

ORDER

- a) The Appeal stands allowed.
- b) The impugned order is set aside.
- c) Cr. Bail Application No. 7851 of 2025 is relegated back to the Special Court for decision afresh.
- d) The Special Court is directed to record findings of fact as to whether the offence under the Atrocities Act is made out or not and then to proceed further order in accordance with law.
- e) Interim Relief granted to the Appellants remain in force for a period of six weeks from today.
- f) The Special Court is directed to decide the Application within a period of four weeks from today.

(R.M. JOSHI, J.)