



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (REVN) NO. 72/2026

(Nitin S/o Kumar Lautre Vs. State of Maharashtra & ors.)

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

Court's or Judge's orders

Mr. A. R. Fule, Advocate for applicant.
Mr. N. B. Jawade, APP for Non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 15/06/2026.

Heard.

2. The petitioner is challenging the order dated 12/02/2026 passed by the Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur, wherein the complaint filed by the petitioner under section 156(3) of the Code of Criminal Procedure ("Code") was dismissed.

3. The learned counsel for the applicant submits that the petitioner was appointed in the year 2008 from the Reserved Category as an Assistant Professor. Thereafter, for promotional grade, again the advertisement was issued in the year 2019. He applied as an Unreserved Candidate, and his claim was considered. He has been given benefit under the Unreserved Category for promotional grade.

However, again, he applied in the year 2022 for further promotional grade, however his claim was denied, therefore, he made a complaint to the Scrutiny Committee, constituted to redress the said grievances. However, the learned counsel submits that the Scrutiny Committee has harassed, humiliated and victimized the applicant, and rejected his grievance, accordingly he has filed the application with the National Commission of Scheduled Castes ("Commission") and a letter was issued on 04/12/2023 by the Commissioner for making an enquiry which was addressed to the Commissioner of Police. However, according to learned counsel, the Commissioner of Police has not taken into account anything and till today, neither an inquiry is initiated nor any report was submitted to the Commission. He submits that, as a last resort, he was constrained to file the complaint before the Magistrate under Section 156(3) of the Code stating that the accused persons committed offence under Sections 3(1)(r), 3(1)(p), 3(1)(g) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. However, the Magistrate was pleased to dismiss his complaint stating that the entire grievance of the applicant

revolves around the denial of promotion by the non-applicants. The Court further observed that the said allegations indicate a service dispute which has been given the colour of a criminal case and it is a well-settled principle of law that the power under Section 175(3) of the BNSS (earlier Section 156(3) of Code) is an extraordinary judicial power which must be exercised sparingly and only when the complaint clearly reveals the commission of a cognizable offence.

4. After hearing at length, I have perused the impugned order as well as the complaint filed by the applicant and the documents placed on record. It appears that allegations are made against the members of the Scrutiny Committee. The applicant has filed complaint under Section 156(3) of the Code. Upon perusal of the complaint, it appears that the allegations apparently revolves around the denial of promotion by the non-applicants. The act of the non-applicants herein do not show that the said act was intended to humiliate or intimidate the applicant, so also I do not see any insult. It is necessary to mention at this juncture that in order to attract the provisions of the Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act, it is necessary that there should be an intentional act of intimidation or insult being a member of Scheduled Caste and Scheduled Tribes on the part of the accused persons. However, upon perusal of the complaint, I do not find that the ingredients of alleged sections are made out. It is further to be noted that the applicant has not challenged his denial of promotion in any Court of law.

5. Even the National Commission for scheduled castes, after considering the case, has closed the case by observing as under:-

“The case was discussed in detail. The Commission observed that the VNIT Management has not communicated the reasons for rejection of appointment application to the petitioner till date. Hence, the Commission recommends that VNIT Management may provide a written reply to the petitioner and also satisfy his quarries, Rosters may also be shown to the petitioner. With this recommendation, the case is closed.”

It is argued by the learned counsel that even the aforesaid recommendations are not followed. However, it is for the applicant to get those recommendations implemented. This Court cannot go into same.

6. In view of the above, I do not find any perversity in the order passed by the Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur. There is no merit in the application, hence it is rejected.

(M. M. NERLIKAR, J.)

Gohane