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**ORDER BELOW EXH-1 IN SPECIAL CASE****NO.41/2024.****(State of Maharashtra Vs. Ajij @ Kalu Habib Shaikh
& ors.)**

1. In the present case, the charge-sheet appears to have been filed against accused No.6 and 7 namely Jabbar Pinjari and Salim Habib Shaikh by mentioning section 299 of the Code of Criminal Procedure.
2. Time and again it has observed by Hon'ble Bombay High Court that said provision of section 299 of the Code of Criminal Procedure is not for empowering the investigating officer to file charge-sheet. It is for recording of evidence in absence of absconding accused persons. Moreover, the charge-sheet does not reflect that any procedure under section 82 or 83 of the Cr.P.C. was issued against both the above accused persons. It is not clear as to what steps were taken by the investigating officer for search and arrest of those accused.
3. The present case being special case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the S.D.P.O. who is a senior and responsible officer is the investigating officer. Such lapses are not expected.
4. Hence, call the explanation from the investigating officer through Superintendent of Police, Ahmednagar as to on what basis he has mentioned that the charge-sheet has filed

against above two accused persons under section 299 of the Code of Criminal Procedure. So also about procedure followed by him against those accused persons before filing charge-sheet under section 299 of the Cr.P.C. The explanation be submitted within a week from today. This order be communicated to the concerned office of Superintendent of Police, Ahmednagar and S.D.P.O., Shevgaon (investigating officer in the present case) by e-mail in addition to usual mode.

Date :- 08.08.2024

(Vinod Y. Jadhav)
Addl. Sessions Judge, Newasa
JO Code : MH002455