



ORDER BELOW THE APPLICATION (EXHIBIT 5)
IN ATRO. SPECIAL CASE NO. 32/2023
(STATE VS. PRAJAKTA)
(PASSED ON : 29/01/2024)

1. This is an application filed by the original complainant to issue summons to Superintendent of Police, Solapur (for short 'SP'), to Sachin Javalkote, Editor, Lokmat, Solapur (for short 'Editor') and to ensure their presence under sub-section 10 of Section 15(A) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act') and seeking further investigation by Inspector General of Police (for short 'IG') under Section 173(8) of the Code of Criminal Procedure (for short 'Cr.P.C.').
2. Read application and say (Exhibit 13).
3. Heard the original complainant in person in presence of Shri. S. V. Wangikar, Additional Public Prosecutor (for short 'A.P.P.') for the prosecution and Shri. T. U. Sardar, advocate for the accused.
4. The charge against accused is yet to be framed.
5. After going through the contents in the application it transpires that no details as to why and for what purpose the original complainant is seeking issuance of summons to SP and Editor are given. Hence, merely because the application is filed no summons can be issued, as prayed.
6. Further, after going through the contents in the application it transpires that no details as to why and for what purpose the original complainant want presence of SP and Editor are given. Hence, merely

because the original complainant want presence of SP and Editor the application cannot be granted, as prayed.

7. Above all, sub-section 10 of Section 15(A) of the Atrocities Act deals with video recording of all proceeding relating to offences under the Atrocities Act. Therefore, the prayer to ensure presence of SP and Editor is not legal and tenable, as prayed.

8. Further, after going through the contents in the application it transpires that no details as to why the original complainant want further investigation under Section 173(8) of the Code of Criminal Procedure are given. Hence, in absence of anything on record as to lacuna brought on record in the investigation already carried the prayer under Section 173(8) is not legal and tenable.

9. In the result, order.

ORDER

The application (Exhibit 5) is rejected.
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(Pronounced in open Court)

sd/-

Dated :- 29/01/2024.

(M. B. Lambe)
Special Judge (Atrocity Act,) Pandharpur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : M. B. Lambe,
District Judge – 1 &
Addl. Sessions Judge, Pandharpur.
- (c) Order signed by P.O. on : 29/01/2024
- (d) Order uploaded on : 30/01/2024