



ORDER BELOW THE APPLICATION (EXHIBIT 6)
IN ATRO. SPECIAL CASE NO. 32/2023
(STATE VS. PRAJAKTA)
(PASSED ON : 29/01/2024)

1. Read application and say (Exhibit 14).
2. Perused Section 15A(10) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act')
3. Heard the original complainant in person assisted by Shri. Wangikar, Additional Public Prosecutor (for short 'A.P.P.') for the prosecution and Shri. T. U. Sardar, advocate for the accused.
4. Today, the investigating officer is not present.
5. The original complainant and Shri. Wangikar, A.P.P. for the prosecution sought that hearing of this case be videographed in accordance with the amended Section 15A(10) of the Atrocities Act.
6. Admittedly, Section 15A(10) is added by way of amendment in the Atrocities Act w.e.f. 26/01/2016. Shri. Wangikar, A.P.P. for the prosecution has fairly conceded that the Social Welfare Office of the State Government has not made any arrangement to make videography.
7. It is crystal clear that it is the sole responsibility of the Social Welfare Office of the State Government to make videography arrangement. But the State Government has not made any such arrangement.
8. Therefore, considering the mandatory provision under

Section 15A(10) of the Atrocities Act, I am of the view that if Pandharpur City police station is directed to make videography arrangement it will serve the interest of justice, causing no prejudice to any party and also comply mandatory provision.

9. The allegation in para 2 of the application are vague, baseless and without any evidence on record. Hence, no need to consider those allegations.

10. The allegation in para 3 of the application are against this Court and are vague, baseless and without any evidence on record. Hence, no need to consider those allegations and it is necessary to warn the original complainant that if any such vague allegations in respect of judicial proceeding or order are made in future necessary action in accordance with Law will follow against him.

11. The allegation in para 4 of the application are against this Court and are vague and without any evidence on record. In fact the original complainant was at liberty to challenge the bail order passed by this Court by filing necessary proceeding before the higher Court but instead of doing that he is levelling baseless allegations which are not warranted. Hence, no need to consider those allegations and it is necessary to warn the original complainant that if any such vague allegations are made in respect of judicial proceeding or order in future necessary action in accordance with Law will follow against him.

12. That the prayer in para 6 is not legal since there is no provision under the Atrocities Act to provide video recording to the original complainant. Hence, that prayer is liable to be rejected.

13. The “Standards of Professional Conduct and Etiquette” of the Bar Council of India Rules contained in Section I of Chapter II, Part VI, the duties of an advocate towards the court have been specified. I

extract the 4th duty set out as under :-

"4. An advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the advocate himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouthpiece of the client, and shall exercise his own judgment in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court".

14. Before parting with the order, I can not refrain myself from observing that while filing such applications A.P.P. is expected to keep in mind the duty cast on him as an officer of the Court and shall exercise his own judgment in the use of language in the pleadings made by the original complainant and put before him for signing and then only file it on record.

15. In the result, following order :-

ORDER

1.	The application (Exhibit 6) is granted, partly as hereinbelow.
(i)	The prosecution is directed to make videography arrangement.
(ii)	The prosecution is at liberty to take help of Pandharpur City police station for making videography arrangement.
(iii)	The original complainant and prosecution is directed to verify that the memory card used for videography is blank.
(iv)	The video clip, after videography, be sealed and kept in this proceeding.

	(v)	The prayer seeking copy of video recording is rejected.
2.	The original complainant is warned that if any vague and baseless allegations are made in respect of any judicial order or proceeding, necessary action in accordance with Law will follow against him.	

(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