



Special Case (Atrocity) No.32/2023

State of Maharashtra

Vs.

Mrs. Prajakta Bhanudas More

Order below Exh.54 in Special Case (Atrocity) No.32/2023

1 This application is filed by applicant/complainant under Sec.8 C and 15 A of SC and ST (PoA) Act and prayed that action may be taken against two judicial officers, judicial employee and one litigant and register separate case and conduct the inquiry of the same.

2 It is submitted by the victim that he is witness in Special Case (Atrocity) No.32/2023 and 41/2022. The I.O. filed B summary report. The victim approached to the Hon'ble High Court and Hon'ble High Court passed order to dispose off B summary report expeditiously. It is alleged that presiding officer of that Court carry out fabrications of documents. The Atrocity Special Court passed order and called record from the trial Court on 09.09.2024. It took almost one year to complied the order. It is submitted by the victim that the order was not comply deliberately by Assistant Superintendent of JMFC Court. The victim is getting harassment by the Court Presiding Officer. Judicial harassment is carried out by the Judicial Officers, judicial employee and litigant. Hence, he prayed to take action as per Sec.8C and register separate case and conduct enquiry of same.

3 Heard victim in person. I have also gone through written argument submitted by the victim.

4 Perused the contents of application. The present application is filed by victim Jayant Bokefode against two Judicial Officer, and judicial employee. The victim/complainant submitted that as per Sec.8C of SC & ST (PoA) Act, separate case be registered and conduct inquiry of the same against them.

5 The allegations were made against Judicial Officer. At the relevant time, Judicial Officers were duly appointed under law and they were functioning as Judicial Officers. The impugned act related to the judicial proceeding conducted by the Judicial Officer in their official capacity. The Judges (Protection) Act, 1985 provides statutory shield to the Judicial Officer from vexatious litigation for act done in good faith while performing judicial function. Section 3(1) of the Act reads as follows-

3. Additional protection to Judges.—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (2), no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge.

6 In present case, allegations were made against Judicial Officers and judicial employee. So also the allegations were made against Assistant Superintendent of the Court for non compliance of the order and harassment to the victim. However, there is no material on record to show that the complainant/victim was harassed by the Judicial Officers or judicial employee. There is nothing on record to show that the order was deliberately not complied by Assistant Superintendent of the Court. There are no specific allegations in complaint application against the litigant

namely Prajkta More. There is no evidence of any mala fide or acts done outside judicial capacity. The alleged act of Judicial Officer arose from Judicial proceeding. In view of the facts statutory provisions discussed above. I hold that judicial officers acted in discharging of their Judicial duties and therefore by virtue of Sec.3(1) of the Judges (Protection) Act, 1985, no prosecution or proceeding can be sustained against the Judicial Officer for the said act. In my view, complaint against the Judicial Officer is not maintainable as per provisions of Sec.3 of the Judges (Protection) Act and Sec.77 of Indian Penal Code. So also there is bar under Sec.197 of Cr.P.C. to the present complaint. Therefore, this complaint application is not tenable in the eyes of law. Hence, this complaint / application cannot be registered. Hence, this complaint/application is liable to be dismissed. Hence, I proceed to pass following order.

Order

- 1 The complaint application filed by victim below Exh.54 is hereby dismissed as it is not maintainable in the eyes of law.
- 2 Order accordingly.

Date : 12.11.2025

(A. S. Salgar)
Special Judge (Atrocity), Pandharpur

CERTIFICATE

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

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Special Judge, Pandharpur
- c) Date of Order : 12.11.2025
- d) Order signed by the : 12.11.2025
Presiding Officer on
- e) Order uploaded on : 13.11.2025