



Order below Exh.69 in Special Case (Atrocity) No.32/2023

State of Maharashtra

Vs.

Mrs. Prajakta Bhanudas More

1 This complaint application is filed by victim Rupali Mahadeo Gaikwad. It is alleged by the victim that she and her husband have filed written argument on three to four occasion in Criminal Revision No.12/2024 and 04/2024. It is submitted by victim that she and her husband belongs to SC caste and they were removed from public place. The victim submitted that she was harassed by judicial officer. Hence, she prayed that as per Sec.8C, her complaint be recorded and proper steps be taken and harassment of her and her husband be stopped.

2 I have heard the victim Rupali Gaikwad in person. I have also gone through written argument filed by the victim Rupali Gaikwad at Exh.70, 71, 72.

3 Perused the contents of complaint/application. The present application / complaint is filed by victim Rupali Gaikwad against Judicial Officer. The victim/complainant submitted that as per Sec.8C of SC & ST (PoA) Act, her complaint be recorded.

4 Her matter is pending before Extra Joint Sessions Judge, Pandharpur. The allegations were made against one judicial officer. At the relevant time, judicial officer was duly appointed under law and he was functioning as Judicial Officer. The impugned act related to the judicial proceeding conducted by the judicial officer in his 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.

5 In present case, material on record clearly indicates that matter was pending before one of the Court in Pandharpur. 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 fact statutory provisions discussed above. I hold that judicial officer acted in discharging of his Judicial duties and therefore by virtue of Sec.3(1) of 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(1) of 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.69 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 (Atro), 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