

Order below Exh.5 in Special Case (Atrocity) No.41/2022

The present application is filed by victim / complainant under sub sec.6 and 8 of Section 15(A) of the SC and ST (Prevention of Atrocities) Act, (in short, 'the Act'). He requested for protection from criminal intimidation from police department and accused.

2 The accused filed her say (Exh.24) and resisted the application and strongly oppsed and denied the contentions. It is submitted that the victim involed the present accused in false case. The Court has granted anticipatory bail to her and since then the victim is having grudge. It is submitted that there is no question of cancelling the bail because till date the accused is obeying the conditions of bail. It is submitted that only to harass the accused this application is filed.

3 Heard the complainant at length. It is submitted that the accused misused or abused the concession of anticipatory bail granted and repeated similar offence under the Act with the help of family members and police. The present accused Prajakta More had filed false FIR No.44/23 against the present complainant and witness Onkar Mahajan for the offence p/u/s.354, 451, 509, 506, 504 and r.w. 34 of IPC to terrorise the victims and create hurdles in the investigation. It is further submitted that they are forcing to withdraw the case. The accused with the help of Dy. S. P. Vikram Kadam and police officials from Pandharpur city police station intimidated the case of witness Onkar Mahajan and himself to not preced atrocity case. It is further submitted that the act of the respondent is against administration of judicial system and tantamount to polluting the purity of the stream of justice. Lastly, he prayed to set aside the bail order passed against present accused, to provide protection for himself and the witness Onkar Mahajan and pass appropriate order regarding

relocation of victim and his dependent in Pandharpur city along with security.

4 On the other hand it is submitted on behalf of accused that false application is filed. There is no question of cancelling the bail. The accused is obeying the order of Court. It is submitted that the complainant was having grudge in mind because accused was released on bail. He requested to reject the application.

5 I have also considered the written notes of argument Exh.27 and written notes sent by e-mail dated 09.08.2024 by complainant.

6 Perused entire case. The offence is registered against accused under Sec.3(1)(p)(q), 3(2)(i), 3(2)(ii) of the Act. The present application is filed by complainant and made allegations that the accused and her family members conspired with Pandharpur police station and lodged false case against him. The bail is granted to the accused in the present case illegally and the accused with the help of Dy.S.P. Vikram Kadam and police officials intimidated the case witness Onkar Mahajan and petitioner to not precede atrocity case. It is also contention that necessary protection may be provided to him and the witness as well as relocation order may be passed.

7 In accordance with the allegations in present application made by victim, my learned predecessor issued notices against family members of accused, witness Onkar Mahajan and Dy. S. P. Vikram Kadam. By filing say vide Exh.31, Dy. S. P. Vikram Kadam denied all the allegations. It is his contention that they never tried to involve the victim and witness Onkar Mahajan in false case, on the other hand the present victim lodged report against accused under Atrocity Act and the charge-sheet is filed in the Court. Even though CR No.44/2023 is registered with

Pandharpur City police station for the offence u/sec.354 and etc. but as there is no substance so B summary is forwarded to the Hon'ble Court.

8 On perusal affidavit Exh.35 filed by witness namely Onkar Laxman Mahajan in which he made specific allegations against Dy. S. P. Vikram Kadam alleging that he has threatened him to insist settlement with Prajakata More, Jayant Bokefode and Roopali Gaikwad and for such criminal intimidation, he made complaints towards various authorities on 30.10.2022.

9 Considering the above background, I have gone through the relevant provisions of the Act. Sec.15A of the Act relates to the rights of the victim and witness. Under clause 6 specification regarding certain protection is given. It is provided under clause 8 that the inquiry or investigation in to the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipts of complaint. In this case, the complainant has alleged that he himself and witness of the case are subject to harassment and therefore he requires appropriate protection. It is further submitted that this application may be treated as separate Misc. application as provided in the Act and inquiry may be conducted. Considering the submissions and the rights of victim and witnesses as provided under Chapter IV-A, it is necessary to treat this application as separate Misc. Application for conducting the inquiry about allegations made in it.

10 As per Sec.15A of the Act, it is the duty and responsibility of State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence. In short, it is the duty of the State to provide such protection. Under clause 6, the Court can also look

into the matter and can pass appropriate order in that regard. Taking into consideration the submissions and relevant provisions of the Act, I find substance in the contention of the complainant that this application is required to be separately registered for inquiry. Hence, I proceed to pass following order.

ORDER

The application Exh.5 is allowed as below -

- 1 The superintendent of District Court, Pandharpur is directed to separately register this application as mentioned vide Clause (c), Sub.sec.8 of Sec.15A of the Act, as Misc. Application for conducting inquiry regarding allegations in the application and reliefs claimed in prayer clause No.1, 2 and 3.
- 2 Till then, the Sub-Divisional Officer / Sub-Divisional Magistrate, Pandharpur to provide appropriate relief as per rules regarding relocation of complainant and his dependent in Pandharpur city as mentioned in Clause 6(d) of Sec.15A of the Act.
- 3 The SDO/SDM to inform this Court the progress of the compliance of order within next 15 days i.e. on or before 27.08.2024.
- 4 The Superintendent of this Court to inform the SDO / SDM regarding this order.
- 5 The complainant / victim to approach concern authority i.e. SDO/SDM.
- 6 Parties to note.

Date – 09.08.2024

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 Court, Pandharpur
- c) Date of Order : 09.08.2024
- d) Order signed by the Presiding Officer on : 09.08.2024
- e) Order uploaded on : 09.08.2024