

Special Case No.158 of 2022

(CNR No. MHST-01-002607-2022)

(The State of Maharashtra Vs. Mansoor Abdul Bijali)

Order below Ex.03

(Passed on 13.10.2022)

1] This is application moved by accused on the ground that, as per section 4(e) of the SC/ST Atrocity Act, the investigating agency could not file charge sheet after 60 days and court cannot take cognizance.

2] The APP filed say at Ex.7 that, the accused have no *locus standi* to move such application.

3] I heard to both sides at length. The charge sheet was filed on 03.09.2020 and it was supposed to file on or before 03.08.2022 because the cause of action arose on 03.06.2022.

4] As per section 4(e) of the Act the limitation is sixty days provided for filing the charge sheet. Chapter XXXVI of the Criminal Procedure code has prescribed the period of limitation to take cognizance by the court. The alleged offence is punishable under section 306 r/w 34 of IPC.

The concept of limitation to file charge sheet and taking cognizance are entirely described in the code of Criminal

Procedure. Hence I do not find substance in the application. Moreover the aggrieved person is a victim or his dependants. The accused Mansur is on bail prior to filing the charge sheet vide date 08.07.2022. Hence I do not find substance in the application.

ORDER

Application filed below Ex.03 is rejected.

Satara
Date : 13th October 2022.

(Sanjay R. Salkute)
Addl. Sessions Judge Satara.