

ORDER BELOW APPLICATION (EXH. 3A) IN
SPECIAL CASE (ATRO) No. 23 OF 2018
CNR MHST01002761-2018
(State of Maharashtra Vs. Vikas Baburao patil)

This is an application for protection to victim under Section 15-A(6)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Hereinafter this Act is referred to as "SC & ST Act").

2] On the basis of the First Information lodged by the applicant / first informant two accused persons are charge-sheeted for the offences punishable under Sections 354-A, 354-D and 419 read with Section 34 of the Indian Penal Code and Sections 3(1)(r),(s),(w)(i)(za)(e) and 3(2)(v)(a) of the SC and ST Act.

3] The applicant/the first informant has filed the present application (Exh.3A) contending that the Police Department had given her police protection during the period from 01/05/2018 to 14/09/2018. Thereafter, the police protection is arbitrarily withdrawn. By preferring applications dated 22/06/2018 and 15/09/2018 she had moved the Superintendent of Police, Satara for granting her police protection for 24 hours. However, she has not received any response. House of accused No.1 is at a distance of 500 meters from her matrimonial home. Three to four times accused No.1 by following abused and threatened to kill her. She has reported the incidents to police. Accused No.1 is continuously threatening her. Hence, she has prayed to grant her police protection for 24 hours till conclusion of the trial.

4] Special Prosecutor, by filing say (at Exh.23), resisted the application. According to him, initially services of one lady constable was provided as a body-guard to the applicant. However, the lady constable made complaint against the applicant in respect of miss-treatment. Another lady constable also made complaint against the applicant. Considering the said facts in the Review Meeting of Protection Committee held on 06/09/2018 police protection provided came to be withdrawn with effect from 13/09/2018.

5] The First Informant and accused No.1 are practising advocates. On 07/11/2020 in presence of the first informant, Special Prosecutor and accused No.1 it was decided to decide all pending applications chronologically on every date one by one. Accordingly, as per order dated 07/11/2020 below adjournment application (Exh.59) moved by the first informant the adjournment came to be granted with direction to the first informant to remain present and proceed with hearing of pending applications, without fail. As per directions in orders dated 07/11/2020, 18/12/2020, 01/01/2021 and 02/01/2021 below applications (Exhs. 59, 62, 3A and 63) the applicant was expected to remain present and advance arguments, if any, on the present application. However, since last four dates she continuously remained absent. In order to decide the application on merit and in order to give her fair opportunity adjournments came to be granted with directions to her to remain present on the next fixed date and proceed with hearing of the application without fail. Failing which understanding was given to pass appropriate order in her absence. However, in spite of repeated directions and

opportunities given she has not turned up. Today also she has neither appeared nor filed any application for adjournment. In the circumstances there is no other alternative, but to decide the application in her absence.

6] Learned Special Prosecutor has submitted that the Police Department had duly granted police protection to the applicant. However, due to her improper treatment to two lady constables the State was required to withdraw the police protection. In the circumstances there is no need to provide her further protection. If she requires the protection she may obtain it by moving application to Police Department on payment of necessary charges. Hence, there is no need to issue any directions to the State.

7] Accused No.1 has submitted that the application is false and baseless. Just in order to prolong the hearing of the matter and to harass him false application is filed. Hence, he has prayed for rejection of the application.

8] Section 15A, sub-section (1) of the SC and ST Act provides that it shall be the duty and responsibility of the 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. Clause (a) of sub-section (6) of Section 15A of the Act further provides that the Court trying a case under this Act shall provide to a victim, his dependent, informant or witness the complete protection to secure the ends of justice. In view of these provisions the victim deserves complete protection.

9] The facts and the circumstances of the case prima facie disclose that initially the State had made provision for protection of the applicant by providing services of lady constables. The say of the Special Prosecutor (Exh.23) and report dated 29/10/2018 submitted to the Prosecutor by Deputy Superintendent of Police speak that initially body-guard lady constable Gadade Bakkal No.1385 complained against the applicant regarding improper treatment to her. They further disclose that thereafter services of another lady constable i.e. Pawane Bakkal No.1525 came to be made available. However, she also complained against the applicant. Thereafter, by the decision of the Review Committee the protection was required to be withdrawn. It indicates that the State had tried to comply with the spirit, object and directions of the SC and ST Act. However, due to complaints by the concerned employees the protection was required to be withdrawn.

10] The application (Exh.3A) speaks that three to four times accused No.1 by following abused and threatened the applicant and she has reported the incidents to police. However, the application is silent regarding dates and particulars of the alleged incidents. Both the accused persons are enlarged on pre-arrest bail on terms and conditions, including not to make any inducement, threat or promise, tampering with prosecution evidence, etc. It indicates that by imposing the conditions the Court has tried to secure her safety.

11] In the circumstances, even if the applicant feels unsafe then she is at liberty to move the concerned Police Authority to provide her necessary protection. Considering the

facts and circumstances of the case, object and spirit of the Act, it would be just and proper to direct the Superintendent of Police, Satara to reassess the need of protection to the applicant and if deems necessary to provide her necessary protection as per Rules and Regulations in that behalf. Accordingly I pass following order.

ORDER

- 1] The Superintendent of Police, Satara to reassess the need of protection to the applicant/First Informant and if deems necessary provide her necessary protection as per Rules and Regulations in that behalf.
- 2] Accordingly the application is disposed off.

Satara
Date : 06/01/2021.

(S.G. Nandimath)
Special Court under Scheduled
Caste and Scheduled Tribe
(Prevention of Atrocity) Act, SATARA.