

ORDER BELOW APPLICATION (EXH.72) IN
SPECIAL (ATRO) CASE NO.23/2018
CNRMHST01002761-2018

(State of Maharashtra Vs. Vikas Baburao Patil & anr.)

On 05.02.2021 arguments of the Special Prosecutor, accused and advocate of the accused is heard on the discharge application (Exh. 30) and application for further investigation (Exh.50). Learned Special Prosecutor was directed to intimate the first informant to remain present and advance her arguments, if any, on both the applications. According to learned Special Prosecutor accordingly from time to time he has given intimation to the first informant. She has, however, not appeared and not advanced arguments. By sending e-mail she has informed to consider her say and treat the arguments of Special Prosecutor as her arguments. Accordingly, her say and arguments of Special Prosecutor can be treated as her say and arguments on the discharge application. However, the prosecution does not support her claim for further investigation. Hence, in order to give her fair opportunity learned Special Prosecutor was orally directed to intimate her to remain present and advance arguments on her application of further investigation. According to learned Special Prosecutor he has repeatedly given its intimation to her. Thus, inspite of sufficient opportunity given the first informant not taken any steps to advance her arguments, if any, on her application for further investigation.

02. Accused No.1 is insisting for early disposal of pending applications. Hence, in order to give fair opportunity, by issuing notice dated 11.06.2021, the first informant was directed to remain present today and advance her argument, if any. The report of the

notice serving Police Officer discloses that when he tried to contact her she informed him that she is at Gadchiroli and as per her request he has sent copy of notice to her on her e-mail.

03. In response to the notice the first informant has sent the present application (Exh.72) with applications (Exhs. 73 and 74) by post and e-mail seeking adjournment.

04. The accused by filing say (Exh.75) resisted the application.

05. Accused No.1 has submitted that the first informant can travel from Satara to Gadchiroli. In such circumstances, she can very well appear before this Court. However, in order to prolong hearing of the matter on one or the other pretext trying to file false, frivolous and malicious applications. Hence, he has prayed for rejection of the application with initiations of serious action against her.

06. Already sufficient time is given to the first informant to advance her argument, if any, on her application of further investigation. The record of the proceeding prima facie discloses that she is avoiding to appear before the Court and proceed with hearing of the pending applications. Considering the controversy between the parties it appears just and necessary to decide the pending application by giving fair and proper opportunity to both parties. Hence, in the interest of justice, adjournment sought is granted as a last chance with direction to the first informant to remain present and advance her argument, if any, on her

application for further investigation, on next date without fail. Failing which her application will be decided in her absence and without her argument.

SATARA.
17th June, 2021

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