

Spl. Atro. Case No.24/2011
State Vs. Sadashiv Namdeo Kalapad +5
CNR No. MHWS010013072011

ORDER BELOW EXH.129

The present application is filed by the ld. counsel for the accused for closing Sessions Case No.82/2011 in the interest of justice.

2] In brief it is contention of the ld. advocate for the accused that the informant Savita was seating Sarpanch of Gram-panchayat, Borgaon and also Secretary of *Tanta-Mukti* Organization. During meeting of Gram-panchayat accused person who are the member of Gram-panchayat had obstructed the proceeding and had abused the informant on caste and had assaulted. The informant went to the police station immediately and offence was registered against the accused at 12.15 p.m. Thereafter, the accused persons went to police station at 7.30 p.m. and gave report against the informant and on the basis of same, Sessions Case No.24/2011 is pending against the informant. As per Section 20 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 (*hereinafter referred as Atrocities Act*), no case should have been registered against the accused persons, as the said Act has overriding effect over any other law. The PSO, Jaulka without any jurisdiction has registered the offence against the informant and hence, Sessions Case No.82/2011 may kindly be closed.

3] The said application is strongly opposed by the ld. advocate for the accused by filing say overleaf. It is his contention that Sessions Case No.82/2011 is a separate proceeding and no order regarding the said proceeding can be passed in this case. The provision of the Atrocities

Act are not applicable to Sessions Case No.82/2011. Hence, application may kindly be rejected in the interest of justice.

4] Heard ld advocate for the accused and ld. APP for State at length. Perused the record. As submitted by ld. advocate for accused, it matter of record that the on the basis of report is given by informant Savita, present proceeding is pending against the accused persons. It is also matter of record that counter case bearing Sessions Case No.82/2011 is pending against the informant and others on the basis of report given by accused.

5] It is argued by the ld. advocate for accused that Section 20 of Atrocities Act has overriding effect over other laws. In the said circumstances, if report given by accused Savita was registered prior in time then report in Sessions Case No.82/2011 should not have been registered against the informant. In light of argument of ld. advocate for accused let us consider Section 20 of Atrocities Act -

Section 20. Act to override other laws – Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.”

6] The plain reading of Section 20 specifically communicates that if at all there is repugnancy/inconsistency between the provisions of this Act and any other law, custom usage, any instrument having effect of law etc. then the provisions of this Act will prevail over the other law, custom usage etc.

7] As argued by the ld. advocate for the informant it appears that the informant and others in Sessions Case No.82/2011 are charged

of having committed the offence under Sections 395, 324 etc. of IPC against the accused persons. The commission of said Act by the informant is not protected under the Atrocities Act. However, after completion of the trial if it comes on record that the informant and others have been falsely/maliciously prosecuted by the accused persons, then they may have cause of action to institute separate proceeding against the accused persons under the Atrocities Act. At this stage, there is nothing on record that the informant and others have been falsely and maliciously prosecuted in Sessions Case No.82/2011. Further as argued by the ld. advocate for the accused it cannot be disregard that the Sessions Case No.82/2011 is separate proceeding and no order regarding the said proceeding can be passed in this case. Hence, the application for closer of Sessions Case No.82/2011 is not tenable in this case. Accordingly, in the interest of justice, I proceed to pass the following order :-

ORDER

Application is rejected.

Dt. 05/12/2025

(M. S. Sahastrabudhe)
District Judge-3 and
Addl. Session Judge, Washim

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CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:-	Nitin B. Khandare, Stenographer (Grade-1)
Court Name	:-	District Judge-3 & Additional Sessions Judge, Washim
Date	:-	05/12/2025
Order signed by the Presiding Officer on	:-	05/12/2025
Order uploaded on	:-	06/12/2025