

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL (ST) NO. 1252 OF 2026

Lalya Alias Aashutosh Aappasaheb Hargude and
Anr ...Appellants
Versus
The State Of Maharashtra and Anr. ...Respondents

Mr. Ghanasham Jadhav, for the Appellants/Applicants.
Mr. A.S. Gaware, for the Respondents.
WPSI – J.S. Pansare, Shikrapur Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 22nd JANUARY, 2026.

PC:-

1. Learned counsel for the Appellants by referring to the impugned order informs the Court that the original informant is reported dead and his wife who was served with the notice has failed to appear before the Special Court.
2. In view of this, leave to amend to implead wife of informant as respondent is granted.
3. Learned counsel for the Appellants submits that the learned Special Judge (SC ST Act) has not dealt with the merits of the case and rejected the Application relying upon the judgment of the Andhra Pradesh High Court in the case of *Smt. Vidadalal Rajani*

*w/o Kumara Swami v. State of Andhra Pradesh*¹. It is his submission that the Special Court ought not to have rejected the Application in this manner. It is his contention that the offence is registered as far back as on 7th January, 2018 and in such circumstances liberty of the Appellants be protected till the prosecution and the informant of are heard in the matter.

4. *Prima facie* perusal of the order indicates that the Special Court rejected application without going into the merits of the case and without recording findings regarding involvement of Appellants in the crime in question.

5. This offence is of the year 2018. If till date Appellants have not been arrested, their liberty deserves to be protected till the prosecution and informant are heard.

6. Issue notice to Respondent No.2 returnable on **13th February, 2026**.

7. There shall be ad-interim relief in terms of prayers clause (c) till next date of hearing.

(R. M. JOSHI, J.)

1 Criminal Petition No.1461 of 2025.