

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 256 OF 2026

Anil Mahadev Chavan

...Appellant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Ashwin R. Kapadnis, with Bhavesh Paithane, for the Appellant.
Mr. A.S.Gawai, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 9th MARCH, 2026.

PC:-

1. Heard learned counsel for the Appellant. He submits that in spite of order passed by this Court dated 16th February 2026, directing the Special Court to record findings with regard to the *prima facie* case being made out or not attracting the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('Atrocities Act' for short), Special Court recorded no findings on the same. It is his submission that without recording the such findings, the application came to be rejected.

2. The learned APP submits that the offence under Section 3(2) (v) of the Atrocities Act is made out against the Applicant in the facts of the case.

3. *Prima facie*, a perusal of the order impugned passed by the Special Court does not indicate any findings being recorded with

regard to whether a case is made out attracting the provisions of the Atrocities Act. In such circumstances, issue notice to the Respondents. Learned APP waives notice on behalf of the Respondent No.1-State. Notice to the Respondent No.2 is made returnable on **1st April 2026**.

4. Learned APP to instruct concerned Police Station to intimate Respondent No.2 about the pendency of the Appeal.

5. In view of the fact that the Special Court has not recorded any finding with regard to the applicability of the Atrocities Act, the protection granted to the Applicant by order dated 16th February 2026 passed in Criminal Appeal No.1290 of 2025 stands extended till the next date of hearing.

(R. M. JOSHI, J.)

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