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CRA-3722-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 18th OF MAY, 2026CRIMINAL APPEAL No. 3722 of 2026*PREM SINGH**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Tarun Kushwah - Advocate for the appellant.

Shri Gajendra Singh Dodia - G.A. for the respondent/State.

Shri Mrityunjay Pandey, learned counsel for the respondent [OBJ].
.....

ORDER

This Criminal Appeal (second) under section 14A(2) of the SC & ST (Prevention of Atrocities Act, 1989) is preferred being aggrieved by the order dated 15.04.2026 in SCATR No.191/2025 by the Special Judge SC & ST (POA) Act, 1989, Ratlam whereby application for release on bail of appellant arrested on 26.07.2025 in connection with Crime No.321/2025 registered at Police Station Namli, District Ratlam under. Section 103(1), 103(2), 133, 3(5) of the BNS, 2023 and Section 3(2)(v), 3(1)(e), 3(1)(r) and 3(1)(s) of the SC & ST. T (POA) Act, 1989 has been rejected. First appeal was dismissed as withdrawn vide order dated 12.01.2026.

2. Facts of the case in brief are that Ayush Malviya belonging to schedule castes community went to meet the daughter of accused Prem Singh belonging to Rajput community in the intervening night of 25-



26/07/2025 at village Mewasa, Police Station Namli District Ratlam. He was apprehended by the family members. His hair were shaved. He was subjected to physical assault, due to which he died. On the information of girl, Crime No.321/2025 was registered and appellant was apprehended. The application for release of the appellant on bail was rejected referring to the manner of causing the incident and the nature of injuries.

3. Challenging the impugned order this appeal has been preferred on the ground that the appellant is innocent and he has falsely been implicated in the present case. In fact there is no legal evidence to connect with the appellant in the aforesaid offence. In FIR, no specific allegation is mentioned against the appellant and no over act attributed against the appellant for causing the injury to the deceased. The appellant reached at the spot after the incident.

Heard.

4. Learned counsel for the respondent/State as well as the counsel for the objector opposed this criminal appeal and prays for dismissal of the same.

Perused the record.

5. As per the report of Prosecution dated 14.05.2026, as many as eleven witnesses have been examined. The Dy. Director, Prosecution has reported that in the present case, the summons issued to witnesses Shailendra and Sub Inspector K. K. Patel could not be served therefore, the evidence could not be recorded.

6. If even a Sub-Inspector of the Police Department could not be



served, then the status of the other witnesses can well be imagined. The prosecution appears to be completely unaware of the same. Prima facie, there appears to be a total lack of coordination between the prosecution and the Police Department, and it further appears that the Superintendent of Police has no effective control over the officials concerned with regard to ensuring service upon witnesses in heinous offences.

7. Superintendent of Police, Ratlam have to ensure the service of summons and look after the matter as to why the Sub Inspector K.K. Patel, who conducted the inquiry in this case is not being served.

8. In view of the above, no case for grant of bail is made out and, accordingly, the present criminal appeal is hereby dismissed.

9. As per the mandate of section 14 (3) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 which is being reproduced below:-

"(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing: Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet."

10. The Apex Court in the case of *Central Bureau of Investigation Vs. Mir Usman@ Ara @Mir Usman Ali in 2025 INSC 1155* has stressed on adopting the practice of conducting trial on day to day basis in important and sensitive cases. In such cases Apex Court has suggested the course to be adopted as below:-



".....[1] The proceedings in every inquiry or trial shall be held expeditiously.

[2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.

[3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.

[4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a "Special Reason" for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.

[5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind:

a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non-cooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.

b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.

c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.

d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.

[6] The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the



convenience of counsel on both sides.

[7] The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court."

11. Trial court is directed to conduct the trial on day to day basis adopting the practice as mentioned above and complete the trial within six months from receipt of copy of this order passed today.

12. Copy of this order be forwarded to Superintendent of Police, Ratlam and Special Judge, SC/ST (POA) Act, Ratlam (M.P.).

13. In-charge, Police Station- Namli, Ratlam is directed to keep the witnesses present in the court under protection before the concerned court.

(GAJENDRA SINGH)
V. JUDGE

Vatan