

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

Criminal Application No.391 OF 2015

The State of Maharashtra.

....Applicant.

Versus

Radhakisan haribhau Bade.

....Respondent.

Shri..P.N. Mule, Additional Public Prosecutor for applicant.

CORAM : T.V. NALAWADE, J.

DATED : 4th August, 2015.

ORDER :

1. Heard the learned counsel for the applicant and seen the record and the reasoning. The evidence and the documents on the record shows that marriages and cremation in the family of the complainant were done as per Christian religion, rights and customs.

2. There is some record to show that his parents are Christian. In view of these circumstance, it is not possible to grant leave to file appeal in respect of acquittal given for offence punishable under sections 3(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The record shows that the accused picked up quarrel with the complainant and other revenue officers. He caused damage to the revenue record. Though the medical evidence stated to be little bit inconsistent the fact remains that accused assaulted village Kotwal inconsistent of official duty. In these circumstance, this Court holds that leave can be granted to file appeal against the decision given of acquittal for offences punishable under sections 353, 332, 427, 504, 506 of the Indian Penal Code.

4. In the result, the application is allowed and leave is granted to the State to file appeal In respect of acquittal under sections 353, 332, 427, 504, 506 of the Indian Penal Code but the leave is refused in respect of acquittal given for offence punishable under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Compliance of section 390 of the Code of Criminal Procedure is to be made.

[T.V. NALAWADE, J.]

mnp/