

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.958/2013

Navnath Janardhan Chormale & others.
...Applicants..

Versus

The State of Maharashtra & another.
...Respondents...

.....

Shri Anant Devakate, Advocate for applicants.
Shri K.S. Patil, APP for respondent no.1.
Respondent no.2 served.

.....

**CORAM: A.B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE: 01.10.2015

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] Learned counsel for the applicants has vehemently contended that the place in question where the abuses are said to have been given in the name of the caste cannot be said to be in public view since the incident itself has occurred in the field. It is submitted that as per Rules 6 and 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the

- 2 -

officer of the higher rank is required to visit the spot and carry out investigation, which is absent in the present case.

3] Learned APP has pointed out to us the location of the crime allegedly committed and contended that the spot can be said to be in the public view since there is a public road abutting the field.

4] We have perused the FIR as well as the statements of the witnesses recorded during investigation. Admittedly, the charge-sheet has been filed before the competent Court. Upon perusal of the statements of the witnesses, we are unable to come to a concrete conclusion as to whether the place could be said to be in public view or not since in our opinion that is a matter to be thrashed out in evidence after the witnesses undergo the test of cross-examination. We, therefore, cannot jump to any conclusion in favour of either of the party and, therefore, we make the following order.

ORDER

Criminal Application No.958/2013 is disposed of with liberty in favour of the applicants to apply for discharge, if so advised in view of filing of the charge-

- 3 -

sheet. If such an application is made, the same shall be decided within four months from the date of filing thereof. Interim order shall continue for a further period of four weeks from today.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)