

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1133 OF 2012

THE STATE OF MAH
VERSUS
AVINASH TUKARAM LANDGE

...
APP for Applicant : Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 20th JULY. 2015.

PER COURT:

1. Heard learned A.P.P. The notice of respondent is returned as he is not served. The Respondent accused has no locus standi, at this stage. This Court has gone through the judgment and order of the trial Court. The trial Court has acquitted the Respondent for the offence punishable under section 3 (1) (x), 3 (1) (xi), 3 (2) (xii) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and also for offence punishable under section 323 and 504 of I.P.C. The main reason, which is given for acquittal is that the accused belongs to

Maratha caste which is not a scheduled caste. Reliance is placed on one case of this Court. The Apex Court has made the position clear on this point. Only due to non-mention of the caste of the accused in the F.I.R. the accused cannot get the acquittal. The version of the complainant is corroborated by the version of two witnesses and no other reasonable ground is there for acquittal. So, the application is allowed. Leave is granted.

2. Appeal is admitted.
3. Comply the provisions of Section 390 of Cr.P.Code.

[T. V. NALAWADE, J.]

Dt.20/07/2015
ans/1133