

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3551 OF 2014
AND
CRIMINAL APPLICATION NO. 3550 OF 2014

The State of Maharashtra
Through : Songir Police Station,
Dist. Dhule

.. Applicant
(Orig. Respondent)

VERSUS

- 1] Subhash Sahebrao Patil,
Age : 52 years,
- 2] Sunita Subhash Patil,
Age : 42 years,
- 3] Kailash Jairam Suryewanshi,
Age : 39 years,
- 4] Mahananda Subhash Patil,
Age : 23 years,
- 5] Bharat Hilal Patil,
Age : 38 years,
- 6] Rohidas Murlidhar Patil,
Age : 28 years,

All R/o Vishwanath,
Taluka and Dist. Dhule

.. Respondents
(Orig. Accused)

Mr. S.R. Palnitkar, A.P.P. for the applicant/State
Mr. Joydeep Chatterji, Advocate for respondent nos.1 to 6

CORAM : M.T. JOSHI, J.
DATE : 20/03/2015

ORAL ORDER :

1. Heard both sides.
2. For the reasons stated in the application, delay of 32 days caused in filing the application, seeking leave to file appeal is hereby condoned. Criminal Application no. 3551 of 2014 accordingly stands disposed of.
3. Aggrieved by the acquittal of the respondents from the offences punishable under section 143, 323, 504, 506 r/w. 149 of the Indian Penal Code and section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the State is seeking leave to file appeal.
4. The prosecution case is that P.W. 1 – complainant was working as a Teacher since 2004 in the school run by the present respondents in different capacity as detailed in the complaint. The Chairman of the school i.e. respondent no.1 – Subhash however was insisting that the informant shall only sign over the register without getting any salary. For that purpose,

he was regularly issuing memos to the informant for some reason or the other. Those memos were satisfactorily answered. In the situation on 07/09/2009, the complainant was present on the ground of the school at about 11.00 am. All the respondents gathered there. Verbal exchange of words took place. In the same, the present respondents uttered the words those are mentioned in the FIR as well as in the evidence insulting the informant over his caste, which is 'Mahar' ('महार'). They also assaulted him with fist blows. Respondent no.2 assaulted him with a footwear and hit him on this left thigh and back. Therefore, the informant filed FIR with Songir Poilce Station. Accordingly, the offence was registered. Investigation was carried.

5. Before the learned Ad-hoc Assistant Sessions Judge-2, Dhule, the complainant was examined as P.W. 1 supported by two more witnesses i.e. P.W. 2 Sharad and P.W. 3 - Arun, who are the co-employees of the school. The learned Assistant Sessions Judge, however, disbelieved their version and acquitted all the respondents. Hence, the present application (Criminal

Application no. 3550 of 2014) for leave to file appeal.

6. Upon hearing both sides, in my view, the learned Assistant Sessions Judge has taken a reasonable and probable view of the case on the basis of the material before him. While P.W. 1 – complainant admitted that he has filed different cases against the institution in different Courts, earlier memos were issued to him on the ground that he was remaining absent from duties without sufficient reason. P.W. 2 – Sharad and and P.W. 3 Arun also had animus against the school as P.W. 2 had also filed complaint against the school officials with the Education Officer and P.W. 3 – Arun was already litigating for his termination from the school.

7. The learned Assistant Sessions Judge therefore observed that when the incident has taken place on a ground by the side of the road at 11.00 am. in the noon in presence of students, no other independent witness is examined.

8. As reasonable and probable view is taken by the learned Assistant Sessions Judge, there is no need to

grant leave to file appeal. The application for grant of leave is hereby rejected.

9. Criminal Application nos.3551 of 2014 and 3550 of 2014 accordingly stand disposed of.

[M.T. JOSHI]
JUDGE

arp/