

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

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Coram, orders or Registrar's	Court's or Judge's orders.
--	--	----------------------------

CRIMINAL APPLICATION NO. 3711 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
SATISH PANCHAPPA GUNGUNE AND OTHERS

...
APP for Applicant : Mr. M. S. Patni.
Advocate for Respondent Nos.1,2 & 4: Mr. Venjane
Tukaram M.

CORAM: T. V. NALAWADE, J.
DATED: 13th August, 2015.

PER COURT:

1. The application is filed by the State for grant of leave to file appeal against the judgment and order of Special Case (Atro.) No.22 of 2011, which was pending in the Court of learned Special Judge (Additional Sessions Judge No.-3), Latur. The Respondents are acquitted of the offence punishable under sections 3 (1) (xi), 3 (1) (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989 and section 7 (1) (d) of Protection of Civil Rights act, 1955 and also for offence punishable under sections 354, 323, 35 etc. of I.P.C. Heard learned

A.P.P. Learned counsel for the Respondent is also heard.

2. This Court has gone through the record which includes the evidence of eye witnesses. There is serious allegation that the accused persons had entered the inn of the complainant side. Though it is contended that they wanted to prevent the complainant side from doing Aarti and the accused are thinking that the persons of scheduled caste cannot be allowed to do Aarti of Hindu Godsm there are other allegations of serious nature like misbehaviour with the female. There is circumstantial evidence like the injury certificate at least in respect of two ladies which include the girl in respect of whom there is allegation of misbehaviour. In view of the role played and the material given this Court holds that permission needs to be given at least as against Satish P. Panchappa Gungune, accused No.1.

3. In the result, the application is allowed. Leave is granted only in respect of Satish, accused No.1 and that too for the giving of acquittal for the offences under sections 323 and 354 of I.P.C. only. The leave is refused in respect of the other accused. In those terms, the application is partly allowed and disposed of.

4. Appeal is admitted as against Satish, accused No.1.
Comply the provisions of section 390 of Cr.P.Code against
him.

[T. V. NALAWADE, J.]

Dt.13/08/2015
ans/3711