

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 82 of 2015

The State of Maharashtra ..Applicant.
Versus
Rajaram Subhana Ghewade & Anr ..Respondents.

Mrs Anamika Malhotra, APP for the State.

CORAM : A.R.JOSHI, J
DATE : 6th OCTOBER, 2015

P.C. :

1) Heard the learned APP for the State on this application for leave to file appeal challenging the acquittal of the respondents in the matter of offences punishable under sections 3 (1)(v) (x) & 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 7 (1)(d) of Protection of Civil Rights Act, 1955.

2) The impugned judgment and order was passed by Additional Sessions Judge, Gadhinglaj on 30th March, 2015. The case against the respondent no.2 was that respondent no.2 uttered the words against the caste of the first informant woman and those were uttered to her son-in-law i.e. PW no.2. This happened on 4th September, 2013 in the premises of police station when threats were also given to PW no.2 to withdraw the criminal complaint lodged by his mother-in-law against

2/3

respondent no.1. The FIR in the present case for action under the Atrocities Act was lodged with the police on 27th September,2013. The date of lodging FIR is much significant inasmuch as the alleged incident is of 4th September, 2013.

3) The trial Court raised doubts and doubted the authenticity of the substantive evidence of the three prosecution witnesses, PW nos. 1 to 3, mainly on the ground of delay in lodging the FIR. In paragraphs 38,39 and 40 the trial Court discussed the effect of delay in lodging the complaint and the effect of substantive evidence of PW nos.1 to 3.

4) On perusal of the substantive evidence of the prosecution witnesses it is ascertained by this Court that the said material has rightly been appreciated by the trial Court and there is nothing to come to the different conclusion than that arrived at by the trial Court. In other words, it cannot be said that the order of acquittal passed by the trial Court is of such a perverse nature, so as to be interfered with by allowing the State to re-agitate the matter in the appeal. In the result, there is no substance in the present application for leave to appeal and same is dismissed and disposed of.

(A.R.JOSHI, J.)

CERTIFICATE :-

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE
ORIGINAL SIGNED ORDER.