

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION (ALS) NO.97 OF 2015

The State of Maharashtra ..Applicant
V/s.
Ranjit Balwant Patil & Ors. .. Respondents

Mrs.P.P. Bhosale, APP for the applicant-State.

CORAM : A. R. JOSHI, J.
DATE : 05th OCTOBER, 2015.

P.C.

1. Heard learned APP for the State on this application for leave to file appeal challenging the acquittal of the respondents in the matter of offence punishable under section 3(1)(x) and 4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989) and under section 7(1)(d) of Protection of Civil Rights Act and under section 323,504 and 506 read with section 34 of Indian Penal Code.

2. The case of the prosecution in nutshell is that P.W.No.1 complainant women apparently belonging to the Scheduled Caste, lodged a complaint against the respondent for uttering words which are attracting the offence punishable

under section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989). This alleged utterances of words was on count of some dispute over the agricultural property. During trial 4 prosecution witnesses were examined. P.W.No.1 is complainant, P.W.No.2 is alleged eye-witness, P.W.No.3 is husband of the complainant women and P.W.No.4 is the Investigating Officer.

3. After carefully going through the substantive evidence of main prosecution witnesses P.W.No.1 to 3 and considering the reasoning given by the trial Court it is apparent that the Caste of the complainant was not established before the trial Court. So also there is unexplained delay of 30 days to lodging the FIR with the police. Thirdly that the version of eye-witness is unbelievable and there was no cognate evidence regarding utterances of the objectionable words in a public view. In the opinion of this Court considering the material brought before the trial Court it cannot be said that the trial Court had erred in appreciation of evidence. In other words it cannot be said that the order of the trial Court is of such a

pervert nature so as to be interfered with by allowing to State to challenge the order of the acquittal. In the result there is nothing to entertain the present application for leave preferred by the State and the same is accordingly dismissed and disposed of.

(A. R. JOSHI, J)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.