

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Writ Petition No. 239 of 2014
[Niranjan Kisanrao Wakode Vs. State of Mah. & others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.J. Mirza, Adv., for the petitioner.
Mr. T.A. Mirza, APP for respondents.

**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 28th January, 2015.

Heard learned counsel for the rival parties.

We have perused the Additional Affidavit filed by the API, Police Station, Sirajgaon [Kasba], Distt. Amravati. We quote paragraphs 1 to 4 from the said affidavit, which read as follows:-

"1. It is submitted that the petitioner has not lodged report dated 4.3.2014 with this replying respondent alleging therein abuses on his caste on the contrary the petitioner lodged report only on the count of threats and abuses given to him by Surekha Rajendra Nichat, Sushma Mahendra Bais, Anita Dilip Dabhade and Dilip Gaikwad all resident of Shirajgaon Kasba. It is submitted that on the basis of oral report of petitioner, this replying

respondent registered N.C.R. 86/2014 on 4.3.2014 for offence 504, 506 of I.P.C.

2. It is submitted that after the registration of N.C.R. No. 34/2014 this respondent received complaint made to respondent no.2 in respect of abuses to the petitioner on his caste by Surekha Rajendra nichat, Sushma Bais, Dilip Dabhade and Anita Dabhade.

3. It is submitted that complaint made to respondent No.2 was received on 8.3.2014 and as per the allegations leveled by petitioner this answering respondent recorded the statement of the petitioner and witnesses, while recording the statement of the petitioner specifically stated that he has no grudge against one Surekha Nichat and others and he withdrawn his complaint. The petitioner and Pandit Awsarmol was not in village for a month after 4.3.2014. There were no deliberate delay on the part of this respondent to record statement of petitioner and witnesses. So also the answering respondent recorded the statement of 3 witnesses 1) Siddarth Rajaram Gaikwad, 2) Ramesh Bharti, 3) Dnyaneshwar Parise, thereby no caste abuses were made by the one Surekha Nichat and others to the petitioner on 4.3.2014. So it will be not proper to say that the respondent No.3 admitted the version supporting to the writ petition for offence punishable under section 3 (1) (x) of the Atrocities Act."

To our mind, it is clear that the petitioner has been working in a country liquor shop run by the owner thereof. It is also clear that there was an agitation in the village in respect of sale of liquor in the village and the petitioner then lodged the report as stated in para 1 of the aforesaid reply without any reference to the abuses in the name of caste. It is only thereafter he appears to have lodged a report to the Superintendent

of Police, Amravati Region, and not to the Police Station concerned incorporating abuses in the name of caste so as to attract Section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

We are satisfied from the affidavit filed by the respondents that it was not necessary to have the offence registered under Section 3 (1) (x) of the said Act. We, therefore, do not find any merit in the present Writ Petition. Criminal Writ Petition No. 239 of 2014 is accordingly dismissed.

Judge

Judge

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