

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (ABA) No.528/2015

Jyotiram Ramaji Kahcare ..vs.. The State of Maharashtra, through Station
House Officer, Kalamb, Dist. Yavatmal

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

Court's or Judge's orders.

Mr. V. D. Darne, Advocate for applicant.

Mr. K. S. Joshi, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATED : NOVEMBER 20, 2015

Heard.

Admit.

Perusal of the case diary as well as FIR shows that the incident of the alleged abuses took place at the house of the complainant and there is no prima facie evidence to show that the same was in public view. In fact, it is the prosecution case that the applicant had gone to the house of the complainant, thrown liquor bottle and thereafter abused her in the name of caste. That does not satisfy the requirements of section 3 (1) (xi) of the SC & ST (Prevention of Atrocities) Act. The only allegation is about scuffle between the applicant and the complainant woman and her husband. That being so, following order deserves to be passed.

ORDER

- (i) Criminal Application No.528/2015 is allowed.
- (ii) Interim order dated 13.10.2015 is confirmed.

JUDGE