

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1577 OF 2015

Shantaram M.Bagul

..... APPLICANT

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

.....

Mr. P.S.Paranjape, Advocate for Applicant.

Mr. K.S.Patil, A.P.P. for Resp. - State.

Mr. D.M.Shinde h/f Mr. P.B.Pawar,
Advocate for R.No. 2.

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CORAM : A.V.NIRGUDE &

INDIRA K. JAIN, JJ.

DATE : 8th MARCH, 2016

ORAL ORDER :-

. Petitioner is one of the accused in Crime No. 23/2015 registered with Deopur police station, Dhule. The incident took place on 12/07/2014 at about 11.30 a.m. inside the house of the complainant. The allegations are that the accused, including the applicant, entered complainant's house, assaulted the residents and abused

them on the basis of their caste. They also threatened that they would be killed. The complainant and others, because of fear, left their village and went to stay elsewhere. Rather belatedly the complaint was made on 13/03/2015. Offences punishable u/ss 3 (1) (x) and (xv) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, 1989 [for short, 'S.C. & S.T. Act'] are alleged against the applicant and other accused. Offences u/ss 3 (1) (x) and (xv) of the S.C. & S.T. Act read as under :

“ 3 (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”

2. The alleged incident took place inside the complainant's house. This did not happen within a public view and, therefore, it can not be said that the offence is made out. Clause (xv) of sub section (1) is quoted above and is about forcing a member of Scheduled Caste to leave his house or village or other place of residence. The allegations made do not indicate that the applicant and other accused wanted and caused the complainant and others to leave their house. They simply threatened, abused and assaulted them. Offence punishable under clause (xv) is also not made out from the contents of the complaint. The other allegations made against the applicant and others should continue. We are not inclined to set aside the crime.

3. As regards the other offences alleged against them, the application is partly allowed. Offences u/ss 3 (1) (x) and (xv) of the S.C. & S.T. Act stand removed from the case.

[INDIRA K. JAIN, J.]

[A.V.NIRGUDE, J.]