

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.89 OF 2016
(For Leave to Appeal – By State)**

The State of Maharashtra ... **Applicant**
V/s.
Balasaheb @ Pratap Sadashiv Yadav ... **Respondent**
.....

Ms.V.S.Mhaispurkar, APP for the Applicant/State.
Mr.Dilip Bodake, Advocate for the Respondent.
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CORAM : A. M. BADAR J.

DATED : 16th NOVEMBER 2016.

P.C.

1 Heard the learned Additional Public Prosecutor as well as the learned counsel appearing for the non-applicant. Perused statement of informant Parwati Kamble as well as that of Navnath Khadtare.

2 The learned trial Court acquitted the non-applicant of the offences punishable under Section 3(1)(xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section (7)(1) (d) of the Protection of Civil Rights Act, 1955 apart from Section 509 and 504 of the Indian Penal Code with a reason that demanding sexual favour and saying that the accused does not touch people from Chambhar community are self-contradictory. It is further held that no independent witnesses are examined by the prosecution. At this juncture, it is obvious to quote that what matters is quality and not

quantity of the witnesses. Previous statement of informant was proved by Navnath, which is relevant under Section 157 of the Indian Evidence Act. This aspect is lost sight by the learned trial Court.

3 In this view of the matter, the following order :

- (i) Leave granted.
- (ii) The appeal is admitted.
- (iii) Call for Record and Proceedings.
- (iv) Action under Section 390 of the Code of Criminal Procedure before the trial Court.

(A. M. BADAR J.)