

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.631 of 2015
[Dnyaneshwar Nimbaji Gudadhe Vs. State of Mah.]

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

Court's or Judge's orders

Mr. C.R. Thakur, Adv., for the Applicant.
Mr. Dhumale, APP for the respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th January, 2016.

Heard learned counsel for the rival parties. Seen the statements of the witnesses.

It appears from the record that the applicant made a complaint to the higher authorities in respect of alleged irregularities and illegalities in the construction of toilets in the village and the allegations are that the applicant abused the Up-Sarpanch belonging to Scheduled Caste in the name of his caste when the issue about the supply of water to the village was raised by the applicant.

It is true that the statements of the witnesses recorded by the investigating agency show the complicity of the applicant in respect of the offence

alleged under Section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. But then, it appears that the groups in the village and the complaints about the alleged irregularities or illegalities and then about non-supply of water to the villagers was also a cause. Of course, the applicant is not justified in hurling the abuses as can be seen from the record. The applicant is already on interim bail ordered by this Court. But then, in the light of the factual background about the above aspects regarding complaints etc., it would be proper to make the following order:-

ORDER

- [a]** The Investigating Officer or the concerned Sub-Divisional Police Officer shall take stock of the entire investigation papers and decide whether arrest of the applicant is necessary or not. Interim order dated 2nd December, 2015 is *in re* above vacated.
- [b]** The applicant shall join the investigation and co-operate with the Investigating Officer.

Judge

