

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

CRIMINAL APPLICATION NO. 344 OF 2014

1. Venubai Ramesh Kate
Age 65 years, Occ. Household
2. Ramesh Ramchandra Kate
Age 75 years, Occ. Nil. (Ex-Sarpanch)
3. Mahesh Ramesh Kate
Age 40 years, Occ. Agri.,
4. Mukesh Ramesh Kate
Age 35 years, Occ. Service,
All R/o. Kolpimpri, Tq. Parola,
Dist. Jalgaon.

... **Applicants**

VERSUS

1. Rajasbai w/o. Chhabildas Bhil
Age 45 years, Occ. Household
R/o. Kolpimpri, Tq. Parola,
Dist. Jalgaon.
2. The State of Maharashtra
through Police Inspector,
Parola Police Station, Parola,
Dist. Jalgaon.

... **Respondents**

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Mr. B. R. Warmaa for the Applicants.

Mr. S. J. Salgare, APP for Respondent No. 2 - State.

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**CORAM : T. V. NALAWADE AND
K. L. WADANE, JJ.**

DATE: : 25th July, 2018

JUDGMENT (Per K. L. Wadane,J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The applicants have filed this application under the provision of Section 482 of the Code of Criminal Procedure, challenging the first information report No.11/2014 registered against them with Parola Police Station for the offences punishable under Section 294, 323, 504, 506 read with 34 of Indian Penal Code and under Section 3 (1) (x) of the SC and ST (Prevention of Atrocities, Act) 1989.
3. We have heard the arguments of Mr. B. R. Warmaa learned counsel for the applicants and Mr. S. J. Salgare, learned APP for the Respondent No. 2 – State.
4. We have perused the papers of investigation. On perusal of the same, it appears that the respondent No. 1 herein lodged a complaint to the police station alleging that on 13.01.2014 in the morning, a Gramsabha was arranged, in which the applicant No. 1 was present, however, the other members of Grampanchayat and Gramsevak were yet to come. At that time, the respondent No. 1 was sitting in the chair of Sarpanch. At that time, the

applicant Nos. 2 to 4 came there and abused respondent No. 1 on her caste by saying 'Bhiltan'. They further said how she sat in the chair of Sarpanch. The applicant No. 4 Mukesh Kate also abused her on caste. All the applicants have assaulted the respondent No. 1. We have also perused the statements of witnesses namely Bhaulal Bhil, Sunil Patil and Anil Patil as well as the statement of Gramsevak Mr. Sonawane. On perusal of the same, it appears that the witnesses Bhaulal Bhil and Sunil Patil have consistently stated that the applicant No. 3 abused the respondent No. 1 on her caste and rest of the applicants have assaulted her.

5. From the statement of Gramsevak – Sonawane, it appears that when he entered into the office of Grampanchayat, at that time there was quarrel between the applicant No. 3 and witness Sunil Patil. So from the statements of the above witnesses apparently, it is seen that there was quarrel between the two groups so also *prima facie* it is seen that the applicants have abused the respondent No. 1 on her caste in the office of Grampanchayat in presence of the villagers which *prima facie* constitute the offence alleged against the applicants. The learned counsel for the applicants submits that there is litigation between the parties reached up to this Court regarding disqualification of the respondent No. 1 from the post of Sarpanch. However, that aspect is not relevant at present, since, the allegation against the applicants are specific and in clear words.

6. In view of the above, it cannot be said that the accusation made against the applicants is groundless, therefore, the application is liable to be dismissed. Accordingly, it is dismissed. Interim relief is vacated. Rule is discharged. Application is disposed of.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

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