

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

CRIMINAL APPLICATION NO. 6573 OF 2013

Datta s/o Narayan Jadhav, Age 40 years, Occu: Agri. R/o Vasur, Tq. Mukhed, Dist. Nanded.	... Applicant (Orig. Accused)
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VERSUS

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| 1. The State of Maharashtra
Through Police Station Mukramabad
Tq. Mukhed, Dist. Nanded. | |
| 2. Rahul s/o Madhukarrao Kawade
Age 21 years, Occu: Labourer,
R/o Vasur, Tq. Mukhed,
dist. Nanded. | Respondents |

Mr. Gopal D.Kale, Advocate for the applicant
Mr. S. J. Salgare, APP for Respondent/ State

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

DATE: : 19th July, 2018.

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

1. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report of Crime No.111/2013 registered with Mukramabad Police Station, Tq. Mukhed , Dist. Nanded for the offences punishable under sections 143, 147, 149, 324, 323, 294, 506 of the Indian Penal Code and under sections 3(1)) (10), 135 of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act.

2. Respondent No.2/Original complainant Rahul Kawade lodged complaint on 04.11.2013 against the applicant and other four persons alleging that on 03.11.2017, while he was standing near Vasur bus stand, he saw his cousin brother Navnath Kawade lying on the ground as he was assaulted by some persons from village. The complainant taken him to his house and while the complainant coming back towards the Bus stand, the applicant accused Datta Narayan Jadhav and other four persons have abused the complainant on his caste, in verbatim "Mangdgya" and asked the complainant as to why he taken Navnath to home. They started assaulting the complainant by throwing pepper powder in his eyes. That time, mother of the complaint and other persons came there and rescued the complainant. The accused have also assaulted mother of the complainant and abused her in filthy language. Mother of the complainant taken him to police station and lodged report and then taken him to Hospital for treatment. On the basis of such report and due to the nature of the allegations, the offence as referred above crime was registered against the applicant and other accused persons.

3. We have heard Mr. Kale, learned counsel for the applicant and Mr. Salgare, learned APP for Respondent State.

4. On perusal of contents of the first information report, allegations against the applicant and other accused persons appear to be that they abused the complainant by referring to his caste, near the bus stand and also assaulted the complainant with kick and fist blows. It is also alleged that the accused persons have assaulted the mother of the complainant and abused the complainant by referring his caste, in verbatim "Mangadgya " i.e. Mang which is scheduled caste.

5. From the content of F.I.R. does not spell out specific allegation as to who has abused the complainant on caste. There appears vague allegations against the accused persons. However, from the statement of witness Samrat Kawade, recorded during the course of investigation by the investigating officer, it appears that he saw many people from the village gathered around complainant Rahul, out of them accused Datta Narayan Jadhav asked the complainant as to why he has taken Navnath to home from the place of incident and abused him on caste (Mang), which scheduled caste and also said that he will burn him alive, in verbatim "Mangdya tula Jivant Jalto" The witness

further stated that persons namely Datta Narayan Jadhav, Hanmant Jadhav, Dnyaneshwar Jadhav, Janardhan Ranjitg Shinde, Jaysing Nagoba Shinde all were shouting loudly and Datta Jadhav has started assaulting Rahul and along with him the other persons have also started assaulting complainant Rahul with kick and fist blows, they torn his clothe and abused him on caste stating that ".. Tumhi lai majlat Mangdya". This witness intervened and rescued the complainant Rahul.

6. The alleged incident of abuse on caste is said to be taken place within a public view i.e. near bustand. From the statement of witness Samrat Kawade, it appears that the applicant has abused the complainant on caste and assaulted him with kick and fist blows. Statement of this witness supports the allegations made in the complaint. There are specific allegations against the applicant that he has abused the complainant on his caste and assaulted him with kick and fist blows. There is injury certificate issued by the Medical officer, Sub Dist. Hospital Mukhed with regard to the injury sustained by the complainant, which shows abrasion of 2 c.m. x 1 c.m. on forehead with hard and blunt object.

7. Thus looking to the nature allegations and statement of witnesses, it cannot be said that there is no prima facie case against the present applicant. In view of seriousness of the allegations, it is not desirable to prevent the police from making further investigation and to reach to the conclusion. This Court finds no reason to interfere in the matter.

8. In view of the above, the criminal application is rejected. Interim relief is vacated. Rule is discharged.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC