

Shankar s/o. Rustumrao Khupse,
Aged – 52 years, Occu.: Service,
R/o. Adarsh Nagar, Jintoor, Tq. Jintoor, ... **Applicant**
Dist. Parbhani. (Accused)

1. The State of Maharashtra, through Police Station Jintoor, Dist. Parbhani. 2. Bhimrao Kanhoji Hazare Age – 55 years, Occu.: Nil R/o. Wardu (N), Tq. Jintoor, Dist. Parbhani.	[Copy of respondent no. 1 to be served on Public Prosecutor, High Court of Bombay, Bench at Aurangabad]	Respondents [Respondent no. 2 is original informant]
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Mr. A. L. Kanade for the Respondent No. 2.

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

DATE: : 08th August, 2018

1. Rule. Rule made returnable forthwith. With the consent of the

parties, the application is taken up for final hearing.

2. The present application is filed for challenging the first information report No. 3103/2015 dated 17.11.2015 registered against the applicant for the offence punishable under Section 3 (i) (x) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989 and under section 323, 504, 506 of the Indian Penal Code.

3. The respondent No.2 herein lodged a complaint to the police station, Jintoor on 17.11.2015 alleging that on 06.05.2015, he went to the office of the applicant and demanded certain information under Right to Information (RTI). On 01.07.2015 he inquired with the applicant as to why inadequate and improper information was supplied. The information was in respect of the expenditure made by the office on various works of Dr. Babasaheb Ambedkar Rop Vatika Samajik Vanikaran Madhyavarti Karyalay. On such inquiry, the applicant abused the respondent No. 2 by saying “Mangtiya”, “Dhediya” and also beaten him. At that time witnesses Limbaji Sakharam Chavan and Dadarao Kondiba Chavan were present. They rescued the respondent No.2. On 02.07.2015, the respondent No. 2 filed his complaint before the Dy. S. P. Jintoor, however, no cognizance was taken, therefore, copies of the complaint were sent to Collector and S. P. Parbhani. On 20.08.2015. The respondent No. 2 gave notice to the Collector Parbhani for self immolation. On the basis of the information lodged by the respondent No. 2, the offence came to be registered against the applicant.

4. We have heard the arguments of Mr. Salunke learned counsel for the applicant, learned APP Mrs. V. S. Chaudary for respondent No.1 and Mr. Kanade for respondent No. 2 and also gone through the papers of investigation and the report of the investigating officer. On perusal of the same, it appears that the witnesses Dadarao Chavan and Limbaji Chavan supported the version of the Respondent No. 2 in the first information report, however, during the investigation, Investigating Officer collected the CDR of the mobile of the above witnesses and after verification of the CDR of the mobile number of the above witnesses, appears to be at village Ambhor Shelke Taluka Mantha and at village Bori Taluka Jintoor respectively. These material collected by the investigating officer showing that the aforesaid two witnesses were not present in the office at Jintoor.

5. It reveals from the papers of investigation and the report of the investigating officer, five independent witnesses from the office of the applicant were present in the office and all of them have stated that no incident had taken place as alleged by the respondent No. 2 in the first information report. Further it reveals from the record that the respondent No. 2 earlier in the year 2010 also filed a similar complaint against the applicant. After registration of the present crime, it appears that he had issued some pamphlets indicating that he is going to commit suicide and by this way, it appears that the respondent No. 2 had mounted pressure upon the person who are in the Government Service. So from the papers of investigation itself case

of the applicant is false-fide. In such circumstances, the allegations against the present applicant are appears to be false. In such circumstances, the application is allowed. Relief is granted in terms of prayer clause (C). Rule is made absolute in those terms. Application is disposed of.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

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