

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.241 OF 2019

1. Mr. Lalchand Giridhari Yadav
Age : 69 years, Occ.: Retired
2. Mrs. Ramadevi Lalchand Yadav
Age : 58 years, Occ.: Housewife
3. Mr. Girish Lalchand Yadav
Age ; 33 years, Occ.: Service,
4. Mrs. Shweta Girish Yadav
Age : 32 years, Occ.: Housewife,

All R/at : Plot No. 10/B, Suraj Farm,
Opp. Chafekar College,
Tembhode, Tal & Dist. Palghar

.... Appellants
(Ori. Accused)

Vs.

1. The State of Maharashtra
2. Mr. Umesh Kisan Dhodi
Age : About 33 years, Occ.: Service,
R/at Tembhode, Tal & Dist. Palghar Respondents

Mr. S.V. Marwadi I/by Mr. N.M. Nadar for the Appellants.

Mr. Y.M. Nakhwa, APP for the State.

Mr. Yashpal Thakur, Court appointed Advocate for Respondent no.2.

Mr. Sujit Thakur, PSI, Palghar Police Station, Present.

Coram : **Smt. Sadhana S. Jadhav, J.**

Date : **3rd April 2019**

PC :

1 Heard the respective counsel.

2 This is an appeal under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellants herein and respondent no.2 were living in the same chawl. On 8th January 2019, respondent no.2 herein/complainant lodged a report at the police station alleging therein that since 13th October 2014, he was staying in a rented room, which was owned by the present appellant no.2. According to the complainant, he had offered to the respondent no.2 to purchase the said room. There was an agreement between both the parties and the room was to be sold to the complainant for the consideration of Rs.3,80,000/-. It is alleged that Rs.3,00,000/- was paid in cash and Rs.80,000/- remained to be paid. The appellants had refused to transfer the said room in the name of the complainant and also refused to repay the amount.

3 On 7th January 2019, there was a quarrel between the complainant and the appellants. The appellants were insisting upon him to vacate the room. A report was lodged to the police station on 2nd January 2019 and non-cognizable offence was registered.

4 That on 7th January 2019, the appellant had broke open the lock and had thrown the belongings of the complainant outside the house. They had abused the complainant by referring to his caste. They had realised that the valuables were missing from the house, besides of cash amount of Rs.21,000/-.

5 The Police was given an information to that effect. They had reached the spot. There was CCTV installed at the said place. The conversation that was recorded in the CCTV footage would indicate that appellant nos 3 and 4 had returned home from the police station at about 6.18 pm. They had been sent to the police station by the Police, who was present on the spot.

6 According to the appellants, the complainant had vacated the room on 1st January 2019. Initially there was a complaint that the appellants had stolen golden chain belonging to the complainant, however, the same was found.

7 This Court, in the course of hearing had seen the transcript of the CCTV footage. It is true that there was an altercation between both the families. It appears that there was some misunderstanding also and altercation had taken an ugly turn, wherein the parties had to approach the police station.

8 Learned counsel for the complainant reiterates that he had paid Rs.3,00,000/- to the appellants and the same is not returned. There is word against word. In the meanwhile, Mr. Marwadi, learned counsel for the appellants submitted has submitted on the basis of instructions that in order to show the bonafides, he would deposit an amount of Rs.1,00,000/- in this Court within one

month from today. The same shall be paid to the complainant subject to the decision of this case. Hence, the interim relief is further extended by eight weeks. The respondent no.2 shall deposit an amount on/or before 31st May 2019.

9 The complainant is present in the Court and has accepted the said proposal. In view of this, the interim relief granted vide order dated 11th March 2019 is hereby confirmed on same terms and conditions.

10 The appellants shall report to the police station as and when called by Police.

11 The appeal stands disposed of.

(Smt. Sadhana S. Jadhav, J)