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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.418 OF 2019

Laxmibai Parshuram Shetke & Anr.] Appellants

v.

The State of Maharashtra & Ors.] .Respondents.

Mr.Manoj Mohite a/w Ronak V. i/b Priyanka Chavan for the Appellants.

Mr.Vikas Shivarkar, for Respondent No.2.

Mr.Veerdhawal Kakade, for Respondent No.3

Mr.V.B.Konde-Deshmukh, APP for the State.

ACP Shivaji Pawar and PI Satish Walke, attached to Crime Branch Pune present.

**CORAM : INDRAJIT MAHANTY &
 N.B.SURYAWANSHI, JJ.**

DATE : 23rd SEPTEMBER, 2019.

P.C.

1] This appeal is directed against the order passed by the learned Additional Sessions Judge, Pune in Atrocity Special Case No.3 of 2015 dated 11th January, 2019, rejecting application filed by the Petitioners seeking discharge from the offences punishable under Sections 498-A, 307, 323, 504 r/w 34 of the Indian Penal Code and u/s 3(1)(x) and (3)(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) and under Section 7(1)(d) of the Protection of Civil Rights Act.

This order stands corrected as per speaking to the minutes order dt.27/09/2019.

2] It seems that vide order dated 23rd July, 2019 it was pointed out by the learned counsel for the appellants that there is caste certificate of Appellant No.1 wherein her caste is shown to be Hindu-Khatik. So also copy of gazette notification releasing change in the name of appellant No.1 after her marriage was produced on record and the same were filed alongwith the affidavit.

3] Learned APP today filed on record report of the investigation agency dated 23rd September, 2019, which is marked as x for identification,. The said report concludes as follows :

“That the caste certificate produced by the appellant No.1 is correct according to the investigating agency.”

4] In this view of the matter, we quash and set aside the impugned order dated 11th January, 2019 passed by the learned Additional Sessions Judge, Pune to the extent of seeking discharge under the provisions of Atrocities Act and remand the matter back for fresh consideration to the learned Additional Sessions Judge, Pune. The prosecution is directed to submit the report produced before us, before the learned Sessions Judge, Pune.

With these directions, Criminal Appeal No.418 of 2019 stands disposed off.

[N.B.SURYAWANSHI, J]

[INDRAJIT MAHANTY, J]