

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

**CRIMINAL APPLICATION NO. 1186 OF 2019
IN
CRIMINAL APPEAL NO. 976 OF 2019**

Sister Linet John & Anr. ...Applicants
Vs.
State of Maharashtra ...Respondent

- Mr. S. S. Patwardhan i/b Mr. Bhooshan R. Mandlik, Advocate for the Applicant.
- Ms. Pallavi Dabholkar, APP for the State/Respondent No.1.
- Mr. Ratnesh Dubey, Advocate for Respondent No.2.

**CORAM: P.N.DESHMUKH, J.
DATE : 3rd OCTOBER, 2019**

P.C. :

1. Heard learned counsel for the Appellant, learned APP for the State as well as Learned counsel (appointed) for Respondent No.2.
2. It is submitted that both the applicants are educated and in fact are concerned with the Nirmal Convent School situated at Satara. However, they are falsely involved in this crime. Learned counsel for the applicants pointed out that even if the case of the complainant is considered, the alleged abuses does not attracts the relevant provisions

of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short) as are not on the public view and had further contended that in fact it has come in the evidence of the investigating officer that on verifying the CCTV footage, no such incident is found. It is thus, contended that pending appeal, application is liable to be allowed.

3. Learned APP and learned counsel for Respondent No.2 has opposed the application on the ground that there is direct evidence establishing involvement of both the applicants.

4. It appears from the case of the prosecution that the offence is registered on the basis of the report of Respondent no. 2, whose son was studying in the convent school where the applicants are working as head mistress and teacher respectively. It is alleged by the complainant that her son was not allowed to sit on the bench and was also neglected at the hands of the applicants. It is also alleged that applicants were insisting the complainant that his son should leave the school. However, there was

no change in their conduct. In this background, on 20th April 2016, when the complainant alongwith one Sumitra went to the school, it is alleged that they were not allowed by the appellants to meet them. However, they forcibly met appellants by entering in the chamber, where it is alleged that appellants abused them on cast basis. Accordingly, report came to be lodged and offence is registered.

5. In view of the above, prima facie, it is found that the incident was not at public view, which is one of the material ingredients of Section 3(1) (r)(s) of SCST Act. Similarly, there is substance in the submissions with regard to the evidence of the investigating officer, who has admitted that he has verified CCTV footage in respect of the spot, which is school premises. He did not notice anything material and has therefore not collected the same.

6. In the background of the above fact and applicants even otherwise since are convicted for lesser imprisonment of six months on the count of contravention

of SCST Act and for one month on the count of relevant provision of protection of Civil Rights Act, with fine, application is liable to be allowed as the sentence is already suspended and appellants were on bail pending trial. Hence, the following order:-

ORDER

1. Applicants shall be released on bail on executing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousands) each with one surety each in the like amount, pending appeal.
2. Criminal Application is disposed of.

(P.N.DESHMUKH, J.)