

BDP-SPS

Bharat
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 101 OF 2018
(For leave to appeal)**

The State of Maharashtra

.... Applicant.

V/s

Pradeep Nilkanth Todkar

.... Respondent.

Mr. S.V. Gavand, APP for the Applicant/State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 14, 2019

P.C.:-

- 1] Heard the learned APP for the State.
- 2] Respondent/Accused, by the judgment impugned, is acquitted of offence punishable under the provisions of Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 7(1)(d) of Protection of Civil Rights Act and Sections 504 and 506 of the Indian Penal Code.
- 3] The case of the prosecution is, complainant (P.W.4) who is an Advocate by profession was a Chairman of Education Society. Accused

was serving as Professor of economics. On 01/02/2016, there were certain differences on the issue of behaviour of the accused. On 02/02/2016, when complainant sent call to the accused, the accused insulted the complainant by uttering derogatory words, based on his caste. As such, the offence is question.

4] So as to establish the guilt, in all nine witnesses were examined. Certain documentary evidence such as Caste Certificate-Exhibit-33, FIR-Exhibit-20, spot panchanama-Exhibit-14, judgment of School Tribunal-Exhibit-53 were relied upon. It has been established that the accused was removed from the employment of the Educational Institution of which the Complainant was a Chairman on 26/02/2016. Tribunal on 15/12/2016, while dealing with termination of the accused, allowed the claim and the accused reported for joining duties. The complainant again suspended the accused. As such, the very theory of existence of dispute between the complainant and the accused was on the issue of employment, which was very much established and inferred. Based on the aforesaid, the Court below has appreciated the evidence of each of the witnesses and has recorded finding of acquittal. One of the important aspect on which

reliance is placed is non-examination of peon Korvi through him accused was summoned in the Chamber of the complainant and at which moment the accused has uttered insulting words against the complainant. Apart from above, whether Chamber of the complainant is a public place is also the issue, which is rightly considered by the learned Court below while acquitting the accused.

5] The view expressed by the learned Sessions Court is a possible view. As such, leave stands refused.

(NITIN W. SAMBRE, J.)