

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.152 OF 2020**

Omkar Subhashchandra Pandit ... Appellant
V/s.
The State of Maharashtra and Anr. ... Respondents

Nazmi Murtuza and Mr. Mahendra Singh, Ankita R. Dogra, Pramila Dogra for the Appellant.
Mr. Mahesh Vaswani a/w Ms. Shreya Tiwari, Ms.Dharini Nagda i/b Ms. Chitra Salunke for Respondent No.2.
Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE :14/2/2020.**

PC.

. This is appeal under section 14A of the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Act 1989. Respondent No.2 has complained of offences under sections 376, 417, 323, 504, 506 and 34 of IPC as also under sections 3(1) (W) (I) (II), 3(1) (R) (S) and 3(2) (5) of the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Act 1989.

2. Appellant is challenging order dated 16/1/2020 on ABA No.1838/2019 passed by Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai rejecting his prayer under section 438 of Cr.PC.

3. Heard. Prima facie the offences are made out. We find that

the appellant is not co-operating with the investigation and even before the Court, he is insisting that the first informant should withdraw unconditionally all allegations against the father of the petitioner.

4. Father is already given protection by the learned single Judge of this Court.

5. After perusing papers and hearing learned APP we find no case for intervention. The appeal is rejected.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)