

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.860 OF 2019

(Sangramsingh Balbharasingh Somwanshi Vs. State of Maharashtra thr. PSO PS
Ramnagar, Dist. Gondia and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri G.B. Hemke, Advocate for Appellant.
Shri S.S. Doifode, APP for Respondent 1/State.

CORAM: ROHIT B. DEO, J.

DATE: 4th MARCH, 2020.

Heard Shri Hemke, the learned counsel for the
appellant and Shri Doifode, the learned APP for respondent
1/State.

2] The learned counsel for respondent 2
complainant is absent.

3] This appeal assails the order dated 17.12.2019
passed by the District and Sessions Judge, Gondia in
Miscellaneous Criminal Application 320/2019 whereby the
application preferred under Section 438 of the Cr.P.C. is
rejected.

4] The appellant is arrayed as accused in Crime
295/2019 registered for offence punishable under Sections
324, 294, 506 Part-II, 34 of IPC r/w 3(1)(D), 3(1)(R), 3(2)

(V-a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

5] Perusal of the first information report does not reveal that any role is attributed to the applicant as regards the offence punishable under the Atrocities Act. The allegations are against co-accused. The only role attributed is that the applicant slapped the complainant and abused him accusing that the complainant committed theft.

6] The learned APP does not dispute that the appellant has attended the Police Station pursuant to the order dated 27.12.2019 and has co-operated with the Investigating Officer.

7] Evidently the custodial interrogation is not necessary. The application is allowed.

8] The interim order dated 27.12.2019 is made absolute.

JUDGE