

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

155 CRIMINAL APPLICATION NO.1118 OF 2020

KESHAV S/O. RAMA MUDDERWAD
VERSUS

THE STATE OF MAHARASHTRA and OTHERS

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Advocate for Applicant : Mr. Bhosle Santosh C.

APP for Respondents 1 & 2 : Mr. M.M. Nerlikar

Advocate for Respondent 3 : Mr. Chaitanya Deshpande (appointed)

Advocate for Respondent 3 : Mr. Ram Shinde

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156 CRIMINAL APPLICATION NO.1121 OF 2020

KESHAV S/O RAMA MUDDERWAD
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Bhosle Santosh C.

APP for Respondents 1 & 2 : Mr. M.M. Nerlikar

Advocate for Respondent 3 : Mr. V.C. Patil-Ashtekar (appointed)

Advocate for Respondent 3 : Mr. Ram Shinde

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**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATED : 11/01/2021.

ORDER :

1. This Court is deciding both the matters together as the applicant in both the proceedings is the same. Heard both the sides. The papers of investigation were made available by the learned APP in both the matters. As the relief of quashing of the case itself is also claimed, copy of chargesheet and papers of investigation are also produced by the applicant.

2. In proceeding bearing Criminal Application No.

1118/2020 relief is claimed of quashing of F.I.R. No. 255/20 registered in Bhokar Police Station, Nanded for the offences punishable under sections 353, 332, 506 of Indian Penal Code and sections 3 (1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime came to be registered on the basis of report given by one employee of Municipal Council Bhokar. It is his contention that as the present applicant was working as a Councillor at the relevant time he knew informant and he knew that informant belongs to Mahar community which is scheduled caste. It is his contention that the applicant had applied for getting some information under Right to Information Act, 2005 and on 4.6.2020 at about 2.30 p.m. the applicant came to his table and started questioning about the said information. It is contended that the informant said that there was heavy work and he will take some time to supply information. It is contended that due to this reply given by informant, the applicant became angry and he said that he was not doing the work of Councillor and he was not of the status of the Councillor as the informant was belonging to Mahar community. It is contended that the informant requested the Councillor not to give abuses by taking the name of the caste, but the Councillor started assaulting him. It is contended that the incident was witnessed by other staff members like Ramsingh, Tamijoddin, Imran and others. In respect of incident dated 4.6.2020, the report was given on the same day and crime came to be

registered at 21.59 hours. The papers show that there are statements of aforesaid three persons which support the allegations made by the informant. Thus, it cannot be said that there is no material at all against the present applicant. The material is produced along with the chargesheet.

3. Criminal Application No. 1121/20 is filed in respect of C.R. No. 254/20 registered in the same police station for offences punishable under sections 341, 385, 506 of Indian Penal Code and sections 3 (1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In this case also, chargesheet is filed and papers of investigation were available. The crime is registered on the basis of report given by one contractor who was doing the work of collection of solid waste for aforesaid Municipal Council. He has contended that on 4.6.2020 at about 11.00 a.m. when he had gone to campus of Municipal Council Bhokar he was intercepted there, but the interception took place at about 2.00 p.m. It is contended that the present applicant knew the informant as informant used to take work orders from Municipal Council and the applicant also knew that the informant belongs to Wadar caste which is scheduled caste. It is contended that present applicant said to informant that for about one and half years, informant was working as a contractor for collecting solid waste, but he has not given any share to the applicant. It is contended that the applicant

then demanded Rs.1.5 lakh as his share in respect of the amount given to the informant by the Municipal Council. It is contended that when informant questioned the right of the applicant to claim such amount, applicant became angry and he gave abuses to the informant by taking the name of his caste and he said that if his share was not given within two days, he will see to it that no further work is allotted to him. It is contended that the applicant further said that the amount of Rs.50,000/- needs to be given by informant per month for getting such work from Municipal Council. It is contended that when the informant refused to give such amount, threat of life was also given. In respect of the incident dated 4.6.2020 the report was given and the crime came to be registered at 20.50 hours of the same day. In this case, there are statements of witnesses like Sambhaji Waghmare, Bhimrao Kadam and they support the allegations made by the informant in the present matter. The material which is produced along with the chargesheet shows that it cannot be said in this matter also that there is no material against the applicant to make out any case.

4. The learned counsel for applicant submitted that in the year 2018, applicant had given complaint against some relatives of the informant from one case and he has made allegations of misappropriation of Government money and only to counter blast that proceeding, reports are given against him. At present, there is

nothing to show that those persons are relatives of the informant of the present matter. The said F.I.R. was given on 14.6.2018 and the crime was registered under section 120-B, 420, 465, 467, 471, 409 etc. of Indian Penal Code. The names of the persons who are shown as accused are Ashutosh Chinchalkar, Harikalyan Yelgatte and Sahebrao Gaikwad. In view of these circumstances, this Court holds that no relief can be given to the applicant in both the matters. So, the following order.

ORDER

- I. Both the applications are dismissed.
- II. Hearing was given to learned counsel for applicant, learned counsel Shri. Ram Shinde appointed by informant in both the matters and also counsels appointed by this Court like Shri. Chaitanya Deshpande and Shri. V.C. Patil-Ashtekar. Fees of the appointed counsels Shri. Chaitanya Deshpande and Shri. V.C. Patil-Ashtekar is quantified as Rs.4000/- (Rupees four thousand) each and it is to be paid by the High Court Legal Services Authority, Sub-Committee, Aurangabad.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]