

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

CRIMINAL APPEAL NO. 477 OF 2020

Prashant @ Rama Bhimrao Ghodake
Age 32, Occ: Labour,
R/At: Pilanwadi,
Tal: Chakati, Tal: Indapur, Dist. Pune.
At present Indapur Jail.

...APPELLANT

Versus

1. State of Maharashtra
Through Sr. PI. Indapur Police
Station, Tal: Indapur, Dist: Pune.

2. Dattu Bapurao Misal
Age: Major, Occ-
R/At Chakati, Tal: Indapur, Dist. Pune.

...RESPONDENTS

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Mr. Prashant S. Hagare for appellant.
Mr. Ganesh Bhujbal, Advocate for Respondent No. 2.
Mrs. S.D. Shinde, APP for State.

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**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

**RESERVED ON: 11th MARCH 2021.
PRONOUNCED ON: 15th MARCH 2021.**

JUDGMENT [PER S.S. SHINDE, J.]:

. Being aggrieved by the judgment and order dated 04.12.2020
passed by learned Additional District and Sessions Judge, Baramati in
Special Case (Atrocity) No. 226 of 2020 at Exh. 5, this appeal is filed by the
accused under Section 14A of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

2. Learned counsel appearing for the appellant submits that the appellant himself was injured when the informant and his associates attacked him. It is submitted that in the said incident the appellant was assaulted by axe and he sustained injury on his head. He was indoor patient for 10 days. Learned counsel submits that the alleged offence had not taken place. If the injuries sustained by the informant are considered, he has suffered injury only on palm and therefore, offence under Section 307 of IPC is not attracted. The appellant is in jail since his arrest, from the month of September 2020. There is no certainty when the trial will commence and conclude. Therefore, relying upon the grounds taken in the appeal memo, learned counsel appearing for the appellant submits that the appeal deserves to be allowed.

3. On the other hand, learned APP appearing for Respondent-State relying upon the investigation papers and statements of witnesses and all other evidence collected by the investigating officer submits that already the chargesheet is filed and involvement of the appellant in the alleged commission of offences has been clearly indicated. The appellant along with other accused were holding deadly weapons. The appellant was holding sword and as stated by the witnesses, he has assaulted victim- Dattu Bapurao Misal and the injuries sustained by the victim is grievous in nature.

4. We have given due consideration to the rival submissions. With the able assistance of learned counsel appearing for the appellant and learned APP, we have perused the chargesheet and its accompaniments, so also other material placed on record. There are as many as four eye witnesses to the incident namely Lakhan Balu Ghodake, Bholenath Ashok Ghodake, Anand Madhukar Ghodake and Sahebrao Dattu Ghodake. They have in detail stated the manner in which the incident had taken place. The sword is recovered from the appellant. Though the injury suffered by the victim is on palm, nevertheless said injury is described as grievous injury. Importantly, release of the appellant would give rise for further quarrel and there may be possibility of another incident. If the appellant is released, there is likelihood of tampering with the prosecution witnesses and evidence. The appellant and witnesses are resident of same village. We agree with the findings recorded by the Trial Court. It is not appropriate to elaborate the reasons, since the appellant will have to face the trial.

For the reasons aforestated, we are not inclined to entertain the present appeal. Hence, the appeal is dismissed.

5. The concerned Trial Court is directed to expedite the trial and conclude the same as expeditiously as possible, however, within eight months from today.

6. The observations made herein above are prima facie in nature and confined to the adjudication of the present appeal only. The Trial Court shall not get influenced by the aforesaid observations during the course of Trial.

7. We appreciate the able assistance rendered by Advocate Mr. Ganesh Bhujbal, appointed for representing the Respondent No 2. We quantify his fess at Rs. 7500/- to be paid by High Court Legal Services Committee, Mumbai, within four weeks from the receipt of copy of this order.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)