

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

CRIMINAL APPEAL NO. 293 OF 2019

Panjab Kashinath Mandavgade
Aged 68 years, Occ.:- Hotel business,
R/o. Narsari, Tq. Achalpur,
District – Amravati.

....APPELLANT

// VERSUS //

1. State of Maharashtra
Through Police Station Officer,
Paratwada.

2. Marotrao Sitaramji Mohod,
Aged about 84 years,
Occ. - Agriculturist,
R/o. Ravinagar Gali No.1,
Paratwada, Amravati.

.... RESPONDENTS

Shri S.V. Sirpurkar, Advocate for the appellant.
Ms. Mayuri Deshmukh, A.P.P. for the respondent No.1/State.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 06.01.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.

2. **ADMIT.**

3. This is an appeal under Section 14-A of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

(for short “the Act of 1989”) challenging the order dated 21.02.2019 passed by the learned Additional Sessions Judge, Achalpur in Misc. Criminal Bail Application No. 101 of 2019 in connection with Crime No.35 of 2019 for the offences punishable under Sections 143, 147, 148, 149, 323, 504, 506 and 302 of the Indian Penal Code and Sections 3(2)(v) of the Act of 1989.

4. The First Information Report came to be registered against the appellant and others with the accusations that the appellant and others assaulted the complainant and his friends with iron rod. The appellant therefore, moved the learned Additional Sessions Judge, Achalpur with the application under Section 438 of the Code of Criminal Procedure. The learned Additional Sessions Judge rejected the application of the appellant mainly on the ground of bar contained under Section 18-A of the Act of 1989. The appellant therefore, filed the present Appeal.

5. This Court on 15.04.2019 issued notice to the respondents and granted interim protection to the appellant subject to conditions as stated in the said order.

6. The respondent No.2 inspite of service of notice of this Court, has not appeared either personally or through his Advocate.

7. We have carefully considered the contents of the First Information Report and the copy of impugned order passed by the learned Additional Sessions Judge, Achalpur. After considering the contents of the First Information Report, we find that the allegations in the First Information Report are vague in nature. Having considered the allegations in the First Information Report, we find that the ingredients of the offences under the provisions of 1989 Act, *prima facie* are not attracted at this stage.

8. The appellant is aged about 68 years. The appellant in paragraph No. 10 has stated that there are no criminal proceedings pending against him. The prosecution has not pointed out that the appellant has misused liberty granted to him by the order dated 15.04.2019.

9. Taking into consideration the reasons stated above, we pass the following order.

i. The order dated 21.02.2019 passed by the learned Additional Sessions Judge, Achalpur in Misc. Criminal Bail Application No. 101 of 2019 is hereby quashed and set aside.

ii. The order granting interim protection dated 15.04.2019 is confirmed on the same conditions subject to additional condition

that the appellant shall attend the trial before the learned Additional Sessions Judge on each and every date unless granted exemption by the learned Additional Sessions Judge.

The appeal stands allowed in the above terms.

Criminal Application (APPA) No. 816/2019.

In view of the disposal of the Criminal Appeal, this application praying for dispense with all office objection does not survive. It is disposed accordingly.

JUDGE

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