

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

CRIMINAL APPEAL NO. 490 OF 2020

Ravi @ Ravindra Madhukarrao Kharkar
Vs.

State of Maharashtra, through PSO Nagpuri Gate, Amravati and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri PR. Navlani, Advocate for appellant.
Ms Shamsi Haider, A.PP for the respondent no.1/State.

CORAM :- N.B.SURYAWANSHI, J.
DATED :- 08/02/2021

Heard the learned Advocate for the appellant and the learned Additional Public Prosecutor for the respondent No.1.

The appellant who is apprehending his arrest in connection with Crime No. 93 of 2020 registered for the offences punishable under Sections 294, 506 of the Indian Penal Code r/w Sections 3(1)(g) 3(1)(12) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Nagpuri Gate Police Station Amravati, has filed the present appeal.

First Information Report No.92 of 2020 came to be lodged by the appellant against the respondent No.2, on 16/03/2020 at 15.23 hrs. for the offences punishable under Sections 143, 147, 148, 341, 427, 504 and 506 of the Indian Penal Code alleging that the respondent No.2 alongwith the persons named in the First

Information Report, stopped the appellant on the public road when the appellant was going to his shop and thereafter by breaking the lock of his shop threw away the materials in the shop and thereby caused damage. He was abused and threats of life were given to him. It appears that a view to give counter blast to the said complaint, the respondent No.2 lodged First Information Report No.93 of 2020 with Nagpuri Gate Police Station, Amravati for the offences stated hereinabove.

At the time of admission, this Court was pleased to protect the appellant vide order dated 14/12/2020.

Perusal of the First Information Report filed by the appellant as well as by the respondent No. 2 prima facie reveals that the First Information Report lodged by the respondent No.2 appears to be after thought and concocted. During the course of investigation, no material is collected to show that the informant and the accused were knowing each other and the appellant was knowing the caste of respondent No.2. The appellant had cooperated in the investigation as is clear from the affidavit filed by the Investigating Officer. Prima facie in my view the provisions of the said Act are not attracted in the facts of the present case.

In view, of the above reasons the appellant has made out a case for grant of relief in

his favour. The appeal filed by the appellant is therefore allowed in terms of the interim order dated 14/12/2020. The appellant shall co-operate in the investigation till filing of the charge-sheet. The appellant shall not tamper prosecution evidence.

Criminal Appeal is disposed of.

JUDGE

J.Pethe..