

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

Criminal Appeal No. 514/2020

Chandan Hari Jadhav V/s State of Maharashtra 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 R.J. Shinde, Advocate for appellant.
Shri I.J.Damle, APP for respondent No.1.
Shri M.A. Ateeque, Advocate for respondent No.2.

CORAM: N.B.SURYAWANSHI,J.

DATE: 26/02/2021.

By this appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant challenges the order passed by the learned Sessions Judge-Darwaha, Yavatmal thereby rejecting his application filed under Section 438 of the Code of Criminal Procedure.

First Information Report at Crime No. 935/2020 was registered against the appellant at the instance of a prosecutrix for the offences punishable under Sections 354, 354-A, 354-D, 452 and 506 of the Indian Penal Code and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is alleged in the FIR that in spite of knowing that the respondent No.2 belongs to Schedule Caste, the appellant entered into her house and outraged her modesty. The FIR further reveals that the appellant was stalking her from time to time.

The appellant contends that there was a revenue dispute pending between the parties. The appellant was cultivating the land belonging to the father-in-law of the original complainant i.e. respondent No.2. He states that he was falsely implicated for the crime.

Learned trial Court after considering the investigation papers rejected the prayer of the appellant.

Heard learned Advocate for the appellant, learned Additional Public Prosecutor for the respondent No.1 and learned Advocate representing the respondent No.2. I have perused the investigation papers.

From the record, *prima facie* it appears that the appellant has committed the crime as alleged in the FIR. There are the statements of witnesses supporting the case of the prosecution. The witnesses have seen the appellant going

towards the house of the respondent No.2. The husband of the respondent No.2 has also seen the appellant leaving his house. The specific Acts are attributed in the FIR against the appellant. Since the allegations in the FIR are serious and they do not *prima-facie* appear to be false, I find that the learned trial Court has properly appreciated the facts on record and the investigation papers and has given proper reasoning while rejecting the application of the appellant.

Hence, no case is made out by the appellant. The appeal being devoid of any substance is hereby **dismissed**.

JUDGE