

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

CRIMINAL APPLICATION (APL) NO.145 OF 2019

(Dilip Manohar Ranade Vs. State of Maharashtra thr. PSO PS Kalmeshwar,
Dist. Nagpur and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M. D. Chikhale, Advocate for Applicant.
Mr. V. A. Thakare, APP for Non-Applicant 1/State.
Mr. S. V. Purohit, Advocate for Non-Applicant 2.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.
DATE: 6th OCTOBER, 2022.

The applicant is seeking quashment of criminal proceedings in Sessions Case 145/2018 which is pending on the file of the District Judge-13 and Additional Sessions Judge, Nagpur.

2. The applicant – accused is facing trial for offence punishable under sections 353, 186, 294 and 506 of the Indian Penal Code. The crime is registered on the basis of report dated 21.11.2018 lodged by the Junior Engineer, Maharashtra State Electricity Distribution Company Limited (MSEDCL) Mr. Abhay Ramteke. The substratum of the report is that on 21.11.2017 Mr. Abhay Ramteke and his team were implementing the recovery drive. The team was armed with a list of consumers who had defaulted the payment of electricity bills. At 02:30 p.m. or thereabout Mr. Abhay Ramteke and his team were engaged in the

recovery drive and at that time the applicant – accused prevented them from discharging official duty, *inter alia* by heaping filthy abuses and trying to assault them with sticks and bricks. It is alleged in the report that the colleagues Mr. Raut and Mr. Pimple were also subjected to filthy abuses and the entire team was threatened with serious harm. Broadly, on such allegations, Crime 856/2018 came to be registered for offence punishable under sections 353, 186, 294 and 506 of the Indian Penal Code.

3. We have perused the charge-sheet and the statements of the witnesses, which are broadly consistent. The statements of the eye witnesses are on record and at this stage, we see no reason to microscopically examine the statements to ascertain the veracity thereof. We are not expected, and we will not, conduct a mini trial.

4. We note the submission of the learned counsel for the applicant that – since the amount of bill was not due and payable on the date of the incident, and the date of the incident was holiday, the informant and the other witnesses/victim were not performing lawful duties. We have noted the submission only for rejection.

5. Assuming that the date of the incident was holiday, there is nothing to prevent the staff of the Power Company from implementing the recovery drive. As a fact, if the staff is working on holiday, it augurs well for the organization and the consumers. Be that as it may, we are

further not impressed by the submission that since the dues are contentious, the informant and his team were not discharging lawful duties.

6. A case for trial is made out.
7. We see no reason to interfere.
8. The application is dismissed.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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