

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPEAL NO. 291 OF 2023

1. Shivilila w/o Gajanan Sakule
 2. Kashibai w/o Vilas Duparte
 3. Jyoti w/o Maroti Sakule
 4. Sangita w/o Vishnukant Sakule
- Appellants

Versus

The State of Maharashtra & another

Respondents

Mr. G. R. Ingole, Advocate for the appellants.

Mr. G. O. Wattamwar, APP for the State.

Mr. S. B. Bhapkar, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 16th JUNE, 2023.

PER COURT :

1. Appellants ladies are apprehending arrest in connection with Crime No. 220/2022 registered with Kinwat Police Station, for offences punishable under Sections 143, 147, 149, 323, 324, 506 of Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. Heard learned counsel for the appellants, learned APP for the State and learned counsel for the informant.

3. Perusal of First Information Report shows that some incident has occurred on 13th November, 2022 in which it is alleged that accused assaulted informant and his mother. There is further allegation against the co-accused that they insulted the informant and abused him over his caste. Though there are general allegations of abuse against present appellants, there is no specific allegation that these appellants uttered any insulting word in respect of caste of the informant. Thus, prima facie, bar of Section 18 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act does not apply to the present case.

4. From perusal of investigation papers, the only offence against the present appellants which can be made out is punishable under Section 323 of the Indian Penal Code. Injury certificate indicates that simple injuries were caused to the informant. Thus, it is not the case where custodial interrogation of the appellants is necessary. Hence, appeal stands allowed in terms of the interim order.

(R. M. JOSHI)
Judge