



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 749 OF 2023

Vilas Ramlal Pandure

VERSUS

The State Of Maharashtra And Another

Mr. S. S. Jadhav, Advocate for the appellant

Mr. N. B. Patil, APP for the respondent/State

Ms. Sayali Tekale, Advocate for the informant (appointed)

CORAM : R. M. JOSHI, J.

DATE : 13th DECEMBER, 2023

P.C. :-

1. Appellant apprehends arrest in connection with Crime No.701/2023 registered with Newasa Police Station, District Ahmednagar for the offences punishable under Sections 354, 324, 323, 452, 504, 506, 143, 147, 148, 149 of IPC and under Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'). This appeal has filed by the appellant under Section 14A of the Act.

2. First informant report shows that there were disputes between the informant and her family and applicant and his neighbors. Allegation in respect of incident occurred on 24th June, 2023 at 12.00 pm. The allegation is that applicant and co-accused assaulted informant and witnesses. There is specific allegation against the applicant is that with

sharp edged weapon he caused injury to witness Vilas. There is also allegation that all accused person have abused informant and others over their caste and insulted them.

3. Learned counsel for the appellant submits that the incident in question has occurred on 24th June, 2023 at 12.00 noon whereas the report is lodged on 25th June, 2023 at 11.35 a.m. Thus, according to him there is delay of about a day in lodging of the FIR. It is submitted that in respect of the incident occurred on that day NC report lodged by the applicant and his wife. He submits that the allegations against the applicant about causing of the injury to witness Vilas is not corroborated by other evidence. According to him the allegation of insult over the caste is omnibus and it is not believable.

4. Learned counsel for the informant opposed the appeal by contending that the injuries are caused to the witnesses as well as the informant. It is her submission that the appellant and co-accused abused the informant over her caste and as such offence under Atrocities Act is made out. Learned APP also opposed the appeal by relying upon the statements of witnesses and injury certificate.

5. First information report as well as the NC report lodged by the applicant shows that there are disputes between the parties who are

neighbors of each other. The Incident occurred on 24th June, 2023 whereas no immediate report is lodged. Needlss to say that the delay in lodging of the report creates possibility of false/over implication. Perusal of the injury certificate of Dattatray shows that no doubt injury is caused to his thigh, but it is not by the sharp edged weapon but with blunt object. The said injury is simple in nature. Pertinently statement of Dattatray is not recorded by the Investigating Officer. As far as the allegations of insulting the informant and others over the caste is concerned, there are no specific allegations against the appellant. As rightly contended by the learned counsel for the appellant it is difficult to accept at this stage that of all them in one go abused the informant and others with one statement. The facts and circumstances create possibility of false implication. The bar of Section 18 of Atrocities Act does not get attracted to the present case. Hence appeal is allowed in terms of interim order dated 25th August, 2023.

6. Fees of the appointed counsel is quantified Rs. 6000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp