

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 927 OF 2022

Poonam Nanasaheb Revadkar .. Appellant
Versus
The State of Maharashtra and Anr .. Respondents
...

Ms. Vilasini Balasubramanian i/b Jaydeep D Mane for the Appellant.

Mr. S.R. Agarkar, APP for the State/Respondent no.1.

Mr. Yashpal M Thakur- (Legal Aid appointed Advocate) for Respondent No.2.

Mr. Dhanaji Khapre, PSI, Mohol Police Station, Solapur (rural)

CORAM: BHARATI DANGRE, J.

DATED : 21st MARCH, 2023

P.C:-

1 An incident, which took place on 28/06/2021 at about 15:38 in front of Mohol Court was reported by one Poonam Revadkar Shinde, wife of complainant and pursuant to which was reported at 16:13 hours to Mohol police station, Solapur Gramin. This resulted in an NCR being registered by invoking Section 504, 506, 323 of IPC.

A specific accusations levelled against the appellant is to the effect that in the background of the previous enmity existing, on the date and the time mentioned in the complaint, it is alleged that the appellant once again raised a quibble and by falling her to the ground assaulted her with fist and blows. At

that time her husband came to her rescue, but even he was abused and assaulted and was also given life threats.

2 This same incident came to be again reported to the same police station at 21:39 hours, by the husband, but with a different flavour. The complainant state that, when they had gone to the court since he had some work in Mohol Court, and while his wife and son were waiting down stairs, an verbal altercation occurred between the appellant and his wife and when he intervened, it is alleged that she bit him on the wrist and continued to assault his wife. Thereafter it is alleged that she uttered abuses which were castiest in nature.

3 This narration resulted in registration of C.R. No. 565 of 2022 which invoke Sections 324, 504, 506 of IPC and Section 3(1)(r), 3(1)(s), and 3(2)(V a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In regards to the same incident, the appellant also reported to the police station on the next date, which resulted in registration of CR No. 0566 of 2022, which invoke sections 354, 327, and 506 against the complainant, who has lodged the report.

4 Taking prima facie view of the matter, it clearly surfaces through the complaint lodged by the respondent no.2, that it is an afterthought, as when his wife reported the incident to the police station she only referred to abuses being hurled without any mention of the abuses being castiest in nature, with an intention to humiliate them on account of their caste in public view. Since the wife of the respondent no.2 also belongs to the same caste, she could not have failed to take note of such castiest

abuses and could not have tolerated the same, but what she clearly report to the police station is that some scuffle took place, in which she and her husband were assaulted and they were abused. In the evening hours, the complainant come with the modified version of the very same incident and report that casteist abuses were hurled at that time.

5 In the wake of the above, since two versions were presented to the police station, one sans the casteist abuses, first in point of time, the veracity and the genuineness of reporting the incident appear to be prima facie truthful.

This definitely warrant confirmation of the order dated 21/09/2022 subject to the same terms and conditions being imposed upon the appellant.

6 I would like to express on record the appreciation for the Mr. Yashpal Thakur, learned counsel, appointed through legal aid, who has effectively represented the cause of respondent. The legal services Authority is directed to make payment of remuneration due and payable within a period of six weeks from today.

7 The observations made above are prima in nature and limited for the purpose of determination of the present Appeal and the learned Judge trying the Appellant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

(SMT. BHARATI DANGRE, J.)