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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.596 OF 2023

Rahul Moreshwar Patil & Ors.] .. Appellants
vs.
State of Maharashtra & Anr.] .. Respondents

Mr.Sachindra Shetye a/w Sarika Shetye and Akshay Pansare for the Appellans.

Mr.S.R. Agarkar, APP for the State.

Mr.Gaurav Parkar, for Respondent No.2.

PSI M.J. Ghadage, Pen Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 29th August, 2023.

P.C.

1] On 08.06.2023 the Appellants are admitted to ad-interim protection by recording that the specific act of hurling casteist abuses is attributed to one Gorakh Patil, who is not Appellant before the Court and reference is to the abuses which are general in nature.

2] I have perused the complaint and in the wake of the law laid down in the case of **Prathvi Raj Chauhan vs. Union of India Ors.** (2020) 4 SCC 727, prima facie reading of the FIR do not make out an offence under Section 3(1)(r), 3(1)(s) and 3(2)(5a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which is invoked in the subject CR.

Section 3(1)(r) and 3(1)(s) specifically contemplate an intentional insult or intimidation with intent to humiliate a member of SC or ST within public view or abusing him in the name of caste.

3] In the present case, the FIR is conspicuously silent about any such utterances, which would amount to an intimidation/ intentional insult in relation to the complainant.

4] The learned for Respondent no.2 would submit that after the FIR was registered, supplementary statement is recorded, where the abuses are specifically recorded.

According to the learned counsel for the Appellants, supplementary statement is recorded after six days.

5] According to the law laid down by the authoritative pronouncement of Hon'ble Apex Court, prima facie reading of the FIR is the test to justify whether bar under Section 18 would come into operation.

Pirma-facie,since no offence is made out by bare reading of the FIR, the Court has rightly admitted the Appellants to protection from arrest and I deem it appropriate to confirm the order dated 08.06.2023.

In the wake of above Criminal Appeal is allowed.

[BHARATI DANGRE, J]