

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.512 OF 2023

Rahul Balaso Pawar	]	..	Appellant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.Rupesh Zade for the Appellant.
Mr.Y.M. Nakhawa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 4th May, 2023

P.C.

1] The Appellant is apprehending his arrest in CR no.179/2023 and when he approached the Special Judge, seeking protection from arrest, his application came to be rejected on 20.04.2023.

2] With the able assistance of the learned counsel for the Appellant and the learned APP, I have perused the complaint lodged by one Ramesh Dadaram Savane, with Baramati City Police Station, in furtherance of which CR No.179/2023 came to be registered.

The subject CR invoke offence under section 3(1)(e)(f)(g)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and also Section 323, 447, 504 and 506 of the IPC.

3] Prima facie, the contents of the complaint speak of two incidents. The first one dated 11.07.2022, wherein, it is alleged that he was abused in the name of caste by Accused No.1.

4] As far as second incident is concerned, it is specifically stated that, Accused Nos.1 and 2 , taking advantage of his absence on the plot of land, encroached upon on his piece of land upto 5 feet.

When the complainant attempted to question accused No.1, he was abused by stating that the land has been purchased by him and he should remove the encroachment.

The specific case of the complainant is to the effect that, vide registered Sale Deed dated 02.09.2020, he had purchased the land admeasuring 00.2 R from Gat No.100 from Accused No.2.

5] Perusal of complaint would reveal prima-facie case under the Prevention of Atrocities Act, which definitely warrant investigation. Since the offence under the alleged Act are prima facie made out from the bare reading of the complaint, I do not think that the Appellant deserve any protection.

The Appeal is, therefore, rejected.

[BHARATI DANGRE, J]