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investigation in the competent Court on 29.08.2022, would reveal that marriage of the son of the Appellant was solemnized with the complainant on 18.02.2021 and the allegations are faced by her that , she uttered abusive words, with an intention to humiliate her on the ground that she belong to scheduled caste and the charge-sheet allege that she was subjected to mental and physical torture by her alongwith the other accused persons.

The specific submission of the learned counsel for the Appellant is that after marriage, the couple resided in Kalyan, whereas the Appellant was residing at Wardha, and she has superannuated from service as a Teacher, on 27.06.2022.

3] The accusations would definitely warrant a trial, but today the question is, whether the custodial interrogation of the Appellant is necessary.

Looking into the accusations levelled in the charge-sheet, since it refer to certain casteist abuses being hurled and closely looking to the allegations for which she is held accountable, it will have to be tested in the wake of fact that in fact there is discord between the husband and wife and the son of the Appellant has filed divorce proceedings and the FIR is lodged after the proceedings are initiated, which prima facie appear to be afterthought.

This is a specific reason, why the Division Bench in its order dated 28.06.2023, recorded prima facie case in favour of the Appellant and I deem it appropriate to continue the protection from arrest.

4] The learned counsel representing Respondent No.2 would submit that the accusations in the charge sheet are serious in nature and attract the provisions of the special Act of 1989.

There may be no denial about the said argument and ultimately whatever is the material collected during the investigation is compiled in the charge-sheet and the Appellant alongwith other accused persons will face the trial for the aforesaid charges.

However, since at this stage, it is not the case of the Investigating Officer, who has not bothered to remain present for hearing and the learned APP in his absence is unable to offer any submission that the custodial interrogation is warranted, the order dated 28.06.2023 is made absolute.

5] At this stage, it must be noted that the Appellant has been shown as an absconding accused in the charge sheet. It is, therefore, imperative for the Appellant to report to the Police Station and mark her presence in the week commencing from 16.10.2021 to 21.10.2021, on any date, so that the charge sheet can be corrected accordingly.

[BHARATI DANGRE, J]