

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3181 OF 2022

Ujwala Baban Wetam

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Ajinkya Udane, appointed Advocate for Petitioner.

Mrs. M.H. Mhatre, APP for Respondent-State.

CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.

DATE : 17th JANUARY, 2023.

PC. :

1. It is the grievance of Petitioner that, on an earlier occasion i.e. on 11th December, 2017, the co-ordinate Bench of this Court had granted permission to Petitioner to approach the Investigating Agency for conducting proper investigation in the Crime. That the same has not been dealt with properly and therefore she is constrained to approach this Court again.

2. Heard Mr. Udane, learned Advocate for Petitioner and Mrs. Mhatre, learned APP for Respondent-State. Perused Charge-sheet.

3. It is an admitted fact on record that, the principal offence lodged by Petitioner is under Sections 504 and 506 of the Indian Penal Code (*for short "IPC"*) and as per the allegations of Petitioner, the accused used derogatory language on her caste and therefore the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short "the S.C.S.T. Act"*) have been applied to the present crime.

We are unable to accept the contention of Petitioner that, further investigation in the present crime is necessary on the basis of certain documents which are in possession of Petitioner. As noted earlier, the crime in question is only under Sections 504 and 506 of IPC for which according to us, documentary evidence is not necessary. As the Petitioner belongs to the Scheduled Caste, the Police have already applied the provisions of the S.C.S.T. Act to the present crime and the charge-sheet is also filed in the matter.

4. According to us, present Petition is misconceived and is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)