

As far as accusations about abuses being hurled in the name of Tribe which would attract offence under Sections 3(1)(r) and 3(1)(s) of the Act of 1989, they being uttered in public view, the learned APP fairly state that in all the statements which are compiled in the charge-sheet of the persons who were present, deny any such abuses being hurled in the name of caste/tribe.

As far as offence under Section 3(1)(g) is concerned, it punishes an act of a person not belonging to scheduled caste or scheduled tribe, who wrongfully dispossesses a member of scheduled caste or scheduled tribe from his land or premises or interfere with enjoyment or rights.

My attention is invited to NC Report filed by the member of Grampanchayat on 14.06.2022, where apprehension was expressed that on complaint being received from the villagers about leaving a portion of land so as to have access to their respective houses, when Sarpanch, Gramsevak, Upsarpanch and other members of the Grampanchayat had visited the complainant, they were abused and threatened that offence under the Act of 1989 would be registered.

3] Perusal of the complaint filed by the complainant on 16.06.2022 in relation to the incident dated 12.06.2022, would reveal that an attempt is made to explain delay, by stating that since he was scared about the incident which took place on 12.06.2022, he consulted with his brother, who gave him assurance, and the complaint was filed.

4] It can be seen that one Govardhan Pawashe made a complaint to the Sarpanch on 13/06/2022, making a request that there is no access road available to him, in the wake of construction being undertaken by Rajesh Katkari who was allotted a piece of land for

construction of house under Gharkool Scheme, and request was made to direct the said Rajesh Katkari to build house after leaving two feet road. The members of the Grampanchayat asked the complainant to take appropriate steps.

5] This NC came to be registered on 14.06.2022 and on 16.06.2022, the complainant approached the Police Station alleging that the present Appellant No.1-husband of the Sarpanch and Appellant No.2- member of Grampanchayat, hurled castiest abuses at him.

No witness has come forward to support that such abuses were hurled.

6] As far as offence under Section 3(1)(g) of the Act of 1989 is concerned, it is necessary to establish wrongful dispossession of a member of scheduled caste or scheduled tribe and no case is made out to that effect in the complaint, as it can be seen that Grampanchayat was acting in exercise of the powers conferred on it as a statutory body, upon the complaint being received by one of its member Govardhan Pawshe, and, therefore, it cannot be said that it is unlawful dispossession, as prima facie no offence is made out.

The charge sheet is already filed, hence custodial interrogation of the Applicants is not necessary and this is a fit case where bar under Section 18 deserve to be lifted in the wake of material which has been compiled in the charge-sheet.

Investigation of the subject CR being completed, interim order is made absolute.

7] I would also like to place on record appreciation for Ms.Ameeta Kuttikrishnan who on being appointed through legal aid has assisted

to espouse the case of Respondent No.2 positively. The legal services authority is directed to make payment of legal remuneration due and payable to her, within a period of six weeks from today.

Appeal is disposed off in the aforesaid terms.

[BHARATI DANGRE, J]