

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO.1283 OF 2019

Vinod @ Vinayak Sakkharam Bubnale & Ors.] .. Appellants
vs.
State of Maharashtra & Anr.] .. Respondents

Mr.Dheeraj Patil i/b Tejas Hilage for the Appellants.

Mr.S.R. Agarkar, APP for State-Respondent No.2.

None for Respondent No.2.

PSI Yashvant Uprate, Hatkanangale, Kolhapur present.

CORAM : BHARATI DANGRE, J

DATE : 16th March, 2023

P.C.

1] The Appellants are admitted to interim protection from arrest by order dated 04.10.2019 when, this Court has recorded its prima-facie opinion about accusations levelled against the Appellants by the complainant in the FIR.

It is recorded that Appellant No.2 and 3, in fact, belong to Scheduled Caste and therefore there is no question of invoking offence under the provisions of Atrocities Act.

2] As far as Appellant No.1 is concerned, perusal of the complaint would reveal that the the Appellants entered the shop of the complainant, they pulled the shutter down and it is alleged that the

complainant and his wife were abused in the name of caste. No other material, other than one to which this Court has made reference in its order dated 04.10.2019 would justify invocation of provisions under Atrocities Act and particularly Sections 3(1)(r) and 3(1)(s), since the incident took place behind the closed doors of the shop and it is not in public view.

3] In the wake of above findings recorded in Para 7 of the order dated 04.10.2019, I deem it appropriate to confirm the said order.

4] Criminal Appeal is disposed off in the aforesaid terms.

[BHARATI DANGRE, J]