

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1534 OF 2019

Anil Kisan Walunj and ors .. Appellants
Versus
The State of Maharashtra and anr .. Respondents
...

Mr.Hrishikesh Giri a/w Mr. Swapnil Chopade, Mr. A Panse, for the appellants.

Mr. Shashikant Chaudhari, for respondent no.2

Mr. Y.M Nakhawa, APP for the State.

Ms. Mayuri Tare, PSI, Manchar Police Station, Pune (rural)

CORAM: BHARATI DANGRE, J.

DATED : 30th MARCH 2023

P.C:-

1 On 29/11/2019 this Court granted ad-interim protection in favour of the appellants by recording the prima facie opinion that the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not operate as the eye witnesses statement are recorded after six days and there is political rivalry between the applicant and the complainant and hence the possibility of false implication cannot be ruled out.

This protection continue to remain in operation till date.

2 My attention is invited to an order dated 18/02/2020, when the learned APP argued before the Court that one Manohar Harke had given a statement that the complainant and others were

assaulted by the appellants and the incident was being recorded in the mobile handset and therefore prosecution was directed to produce video-shooting, along with the further progress.

3 On completion of the investigation the charge-sheet is filed, but without a video recording. When the learned APP is specifically asked whether such a video recording was actually seized or obtained during the course of investigation, he answered in negative. Admittedly such a video recording in the mobile handset do not form part of the charge-sheet.

In the wake of the above since the investigation is complete and the charge-sheet is filed, the order dated 29/11/2019 deserve to be confirmed and accordingly is made absolute.

Criminal Appeal No. 1534 of 2019 stands disposed off, in the above terms.

(SMT. BHARATI DANGRE, J.)