

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 322/2023

Kishor S/o. Pandurang Landkar Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. N. Jain, Advocate with Mr. S. S. Dhengale, Advocate for the Appellant.

Mr. M. K. Pathan, A.P.P. for the Respondent(s)/State.

Mr. P. S. Wathore, Advocate for Respondent No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 12/05/2023.

. Heard.

2. The appellant/accused is apprehended for arrest in Crime No.206/2023 for the offences punishable under Sections 295-A of the Indian Penal Code, Section 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 and Section 67A of the Information Technology Act, 2000.

3. The First Information Report was registered on the allegations made by the first informant – Ganesh Bhagat that the appellant/accused is acquainted with him. The appellant/accused kept WhatsApp status, “Ask Google, who is the first rapist of free India and the information will be shocking”. On seeing this, the informant searched the information and found defamatory, derogatory and scandalous information about the person with whom the emotions of Indians are attached. The accused has stated that he is an innocent and falsely implicated in this case. He has only kept this status. His intention was not to defame anybody.

4. After going through the papers filed by the learned Assistant Government Pleader, it appears that it is the case of hatred and the accused/appellant has intention to keep the status to defame said person.

5. Considering the act of the appellant/accused and as earlier also the crime was registered under the Atrocities Act against him. Four crimes under other Acts are also registered, considering criminal record of the appellant/accused and the nature of the offence, custodial interrogation of the appellant/accused is necessary.

6. The application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)

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