



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 151 OF 2019

NARAYAN S/O SITARAM MANMOTHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Vivek V. Bhavthankar, Advocate for Appellant
Mr. S.B. Jadhav, APP for Respondent No.1/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd JULY, 2024

PER COURT :

1. Appellant is aggrieved by the judgment and order of acquittal passed by learned Additional Sessions Judge, Hingoli, on 12/12/2018, in Special (Atrocity) Case No.07/2008.
2. Appellant lodged FIR at Crime No.3005/2008, on 04/04/2008, alleging that respondent No.2 accused has committed offence punishable under Sections 323 and 504 of Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Accordingly, respondent No.2 was charged for commission of said offence. Prosecution examined two witnesses i.e. appellant and one teacher who was allegedly present at the time of incident. Trial Court after considering the evidence brought on record has acquitted respondent No.2 holding that caste certificate of appellant is not brought on record to prove that he belongs to scheduled caste. There is delay of 60 hours in

lodging FIR and the delay is not explained by prosecution. Alleged eye witness teacher was close associate/friend of appellant and therefore, he has supported the case of appellant and that there are contradictions in their evidence and therefore, disbelieved the same.

3. Defence of respondent No.2 that he was member of Rural Education Committee of village Sirsam and he had gone to the school for conducting inquiry, was accepted by trial Court as the fact that he was member of the Committee was accepted by PW1. Trial Court, therefore, found the defence to be probable and has acquitted respondent No.2.

4. View taken by the trial Court is a possible view and even if another view is possible the judgment and order of acquittal is not liable to be interfered with. No merit is found in the appeal. Appeal is, therefore, dismissed.

(NITIN B. SURYAWANSHI, J.)