



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL APPEAL NO. 635 OF 2024

Sambhaji Anna Patil & othersAppellants

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. B. R. Warma, Advocate for Appellants.

Mrs. M. L. Sangeet, APP for the State.

Ms. Vishakha Borade, Advocate (appointed) for Respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 8th OCTOBER, 2024.

PER COURT :

1. Appellants apprehend arrest in connection with Crime No. 075/2024 registered with Marwad Police Station, Dist. Jalgaon for the offences punishable under Sections 341, 323, 504, 506, 143, 147, 149 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 135 of Maharashtra Police Act.

2. Deepak Sonawane lodged report with the police station on 06.08.2024 informing the incident dated 3.6.2024. According to him, on that day at about 7.00 pm his brother Ravindra was assaulted by appellants. They brought him to the house of the

informant. He was not only assaulted but was also threatened to kill. Informant further states about appellants abusing the family members of the informant over their caste.

3. Learned counsel for the appellants submits that now investigation is over and charge-sheet is filed. He has referred to the statements of the witnesses recorded during the course of investigation, more particularly, statements of Kishor Sonawane and injured Ravindra. It is his submission that in their statements, nothing appears to indicate that the appellants abused any one over caste. It is his submission that doubt is created about occurrence of incident from the medical certificate placed on record which indicates that though the incident had occurred on 03.06.2024, the injured was examined on 05.06.2024 and was admitted in hospital on 08.06.2024.

4. Learned APP as well as learned counsel for the informant opposed the appeal on the ground that the informant's statement in the First Information Report gets corroboration from the statement of Sunandabai. Learned counsel for the informant opposed the appeal on the ground of bar created by Section 18 of the Atrocities Act.

5. Insofar as present case is concerned, statement of the witnesses, more particularly, statement of injured himself does not indicate any abuses to the informant and others over the caste to constitute any offence under Atrocities Act being committed by the appellants and others. This Court, therefore, finds substance in the contention of learned counsel for the appellants that this could be a case of over implication. Now charge sheet is filed. As such investigation is over. In view of the above, appeal is allowed in terms of the interim order.

6. Fees of the appointed counsel is quantified at Rs.10,000/- to be paid by High Court Legal Services Authorities, Sub-Committee at Aurangabad.

(R. M. JOSHI)
Judge

dyb