



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 625 OF 2023

Dnyanoba S/o Manikrao Patil ... Appellant

VERSUS

The State Of Maharashtra
And Others ... Respondent

WITH

CRIMINAL APPEAL NO. 639 OF 2023

Shubham S/o Dnyanoba Patil ... Appellant

VERSUS

The State Of Maharashtra
And Others ... Respondent

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Mr. N.N. Desale, Advocate for the Appellants
Mr. N.B. Patil, APP for Respondents – State
Mr. J.R. Patil, Advocate h/f Mr. D.N. Gilche, Advocate for
Respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2024

ORDER :

1. Appellants apprehend arrest in connection with Crime No. 190 of 2023 registered with Deoni Police Station, District Latur for offences punishable under sections 323, 324, 504, 506 read with section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. FIR is lodged by Dhanaraj Narsing Kamble alleging that on 27.06.2023 at about 01.00 p.m., he went in Talathi Office, Deoni, where Circle Officer Jadhav demanded 7/12 extract from Talathi. Talathi asked informant to accompany him for *panchanama* at village Indral. Therefore, he himself, Circle Officer Jadhav, Talati Kooker, Malikarjun Mhetre, Sanjay Jadhav, Dnyanoba Manik Patil (appellant), Shubham Dnyanoba Patil (co-accused) went in the filed of appellant at Indral at about 2.00 p.m. Appellant was raising objection for conducting *panchanama*, when informant tried to convince accused for not raising objection. At that time, appellant threatened him by taking name of his caste. Appellant assaulted informant with stone near right eye. Co-accused Shubham assaulted informant by means of stick on back and neck. Both the accused threatened to kill him.

3. Heard learned advocate for appellant and learned APP. Perused the papers of investigation.

4. Injury certificate shows that informant has suffered contusion on right thigh 2 c.m. x 2 c.m., which is simple injury. It is the case of appellants that they are falsely implicated in the present crime on account of political rivalry in the village. Daughter-in-law of informant namely Archana

Ranjit Kamble and mother of witness - Malikarjun Mhetre namely Kamlabai Mhetre were elected members of village panchayat, and their membership is cancelled for non submitting of caste validity certificate. Wife of applicant namely Prabhavati W/o Dnyanoba Patil is Sarpanch of the said village. Some of the eye witnesses have not supported the allegation of informant about appellant Dnyanoba Patil taking name of caste of informant. Therefore, *prima facie, mala fide* implication of appellants in the present crime cannot be ruled out. Offence is registered in the month of June 2023, and the investigation appears to be on the verge of completion. Appellants were protected and they have co-operated in the investigation. Nothing is to be recovered from appellants. Custodial interrogation of appellants is not necessary in the facts of the present case.

5. Appeals are therefore allowed by confirming interim protection granted by this Court by order dated 21.07.2023.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane