



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 345 OF 2024

NITIN BALKRUSHNA MHATRE .. APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Karansingh Rajput a/w Mr.Satish S. Raut, for the appellant.

Smt. Sangeeta D. Shinde, APP for the State.

Mr.Pratik Pandurang Pokale, PSI, Pen police station present.

CORAM : M. S. KARNIK, J.

DATE : APRIL 4, 2024

P.C. :

1. Heard learned counsel for the appellant.
2. Leave to amend so as to incorporate the address of the respondent no.2 is granted. Amendment to be carried out forthwith.
3. This is an appeal for quashing and setting aside the order dated 16/02/2024 in M.A. No. 39 of 2024 passed by the Special Judge and Additional Special Judge thereby rejecting the application of the appellant in connection with the offences punishable under sections 354D, 506, 504, 500, 385 of the Indian Penal Code, 1860 and under sections

3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered on 09/02/2024 vide C.R. No. 23 of 2024 with Pen police station.

4. The FIR is dated 09/02/2024. I am not going into the contents of the FIR in detail. Suffice it to mention that it appears that there is some grievance the appellant had with the complainant in respect of property tax which according to him was wrongly shown in the name of the person who has made illegal construction on the land belonging to the appellant. So far as the allegations regarding the caste based abuses are concerned, the complainant in the FIR does not mention about the presence of Sarpanch, Upasarpanch. However, in the supplementary statement of 09/02/2024, the complainant says that the abuses were in the presence of Sarpanch and Upasarpanch. Respondent no.2- complainant is a gram-sevak. The appellant has made complaint against Sarpach and Upasarpanch as well and hence they cannot be prima facie said to be independent witnesses.

5. In this view of the matter, issue notice to the

respondent no.2, returnable on 29/04/2024. Learned APP waives service of notice on behalf of the State. In the meantime, the appellant needs to be protected by an interim order.

6. In the event of arrest in connection with C.R.No.23 of 2024 registered with Pen police station, the appellant-Nitin Balkrushna Mhatre shall be released on bail on his furnishing P.R. bond to the extent of Rs.10,000/- with one or more sureties of the like amount.
7. The appellant shall report to the investigating officer of the Pen police station on 12/04/2024 and 13/04/2024 between 11.00 a.m. and 1.00 p.m..
8. The appellant to co-operate with the investigation.
9. Stand over to 29/04/2024.

(M. S. KARNIK, J.)