

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

CRIMINAL APPEAL NO.1002 OF 2024

Ankush Chander Katkari

...Appellant

Versus

The State of Maharashtra

...Respondent

Mr. Anil S. Kamble with *Mr. Jeevan Hiwrale and Ms Sujata Shirsi*
for the Appellant.

Ms Anuja S. Gotad, APP for Respondent-State.

CORAM : SANDEEP V. MARNE, J.

Dated : 14 November 2024.

P.C. :-

1) This is an Appeal under the provisions of Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SCST Act**) challenging order dated 9 August 2024 passed by the learned Additional Sessions Judge, Panvel, rejecting the Application of the Appellant for investigations under Section 156(3) of the Code of Criminal Procedure, 1973.

2) I have heard Mr. Kamble, the learned counsel appearing for the Appellant and Ms Gotad, the learned APP for Respondent - State.

3) Mr. Kamble, would submit that offences under Sections 3(1)(f), 3(1)(g), and 3(1)(za)(E) of the SCST Act are clearly made out

in the present case. He would submit that the Appellant was put in possession of the land in question for the purpose of cultivation and he has been illegally and forcibly dispossessed from the said land thereby clearly attracting offences under Sections 3(1)(f), 3(1)(g) and 3(1)(za)(E) of the SCST Act. I am unable to agree with the submissions of Mr. Kamble.

4) In support of the claim of possession, Appellant has relied upon copy of alleged Agreement (MOU) dated 18 May 2024. By that Agreement (MOU) one Sanjay Krishna Patil is shown to have been engaged the Appellant as a caretaker in respect of the land in question. Far from the Appellant paying any compensation to Sanjay Krishna Patil for cultivating the land, it appears that Sanjay Krishna Patil agreed to pay salary of Rs.15,000/- to the Appellant for taking care of the land. Thus, at the highest the Agreement dated 18 May 2024 would make the Appellant merely as an employee of Sanjay Krishna Patil. Agreement cannot be read to mean that the Appellant was put in possession of the land in question. Therefore, offences under Sections 3(1)(f) and 3(1)(g) relating to dispossession of land do not get attracted in the present case as the Appellant was never put in possession thereof.

5) So far as the offence under Section 3(1)(za)(E) of the SCST Act is concerned, the same is sought to be invoked on the ground that the accused prevented the Appellant from cultivating the land and earning livelihood therefrom. However, perusal of the Agreement dated 18 May 2024 would indicate that the land was not put in possession of the Appellant for the purpose of cultivation.

On the contrary, the entire income in respect of the land and the Hotel was to be earned by Sanjay Krishna Patil and not by the Appellant. The Appellant was sought to be engaged merely as a caretaker on salary of Rs.15,000/- per month. It therefore, cannot be believed that the Appellant was permitted to cultivate the land. Therefore, even offence under the provisions of Section 3(1)(za)(E) of the SCST Act is not made out. The learned Judge has rightly rejected the Application filed by the Appellant.

6) I do not find any merit in the present Appeal, which is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]