

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

CRIMINAL APPEAL NO. 87 OF 2025

**BALAJI KUSHENDRA KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. Dinkar Kamble, Advocate for the appellant.
Mr. S.J. Salgare, A.P.P. for respondent-State.
Mr. Aniruddha Nimbalkar, Advocate for respondent Nos.2 to 4.

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 19 AUGUST 2025

Per Court :

1. By this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Atrocities Act"), the appellant/victim challenges the impugned judgment and order of acquittal passed by learned Sessions Judge, Omerga in Spl. S.C.S.T. (Atrocity) Case No.02/2018 dated 10.05.2024, thereby acquitting the four accused persons.

2. Prosecution case, in short, is that one Pramod Kamble was trying to take forcible possession of the agricultural land of the informant. Therefore, the informant filed suit in the Court at Omerga. On 25.11.2014 at about 3.00 p.m. informant, her younger son Kishor were spraying insecticide

on the Toor crop. Accused Dinkar came there with son Vinod, Niladhar and Tanaji with tractor. They told her that they are going to plough the land and the land does not belong to her. Since the informant tried to resist them, Dinkar assaulted her with stick. Rest of the three accused started beating Kishor by kicks and axe. Informant received injury on her right hand, back and thigh. Her son received axe blow on his left hand and face. He also received bleeding injuries on his body. Informant and her son raised hue and cry. Her son Balaji and daughter-in-law Sanghmitra came on the spot. While Balaji tried to intervene in the quarrel, he was also beaten by Dinkar with stick and axe. Balaji also sustained injuries in the incident. Hence, F.I.R. was lodged on 25.11.2024 at Crime No. 78/2014 under Sections 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code. On completion of investigation, charge-sheet was filed.

3. Charge under Sections 143, 144, 147, 149 of I.P.C. and under Sections 3(1)(r) (s), 3(1) (w), 3(2) (va) of the Atrocities Act was framed against the accused.

4. In support of its case prosecution examined 10 witnesses. Trial Court has acquitted the accused. Hence, the appeal.

5. Heard learned advocate for the appellant, learned A.P.P. for the State and learned advocate for accused. Perused the record.

6. Record shows that though written F.I.R. was lodged by the informant Kalawati, there are no allegations of hurling abuses in the name of caste. PW-5 Vachalabai, sister of the informant, has admitted that accused had purchased land admeasuring about 2.5 Acres near the land of Kalawati. Informant's ancestral landed property was given to her paternal aunt to earn livelihood and agricultural produce of the said land was being taken by her paternal aunt. Without informing them, her paternal aunt sold the land to accused Dinkar Patil secretly and it's possession was also handed over.

7. Panch witnesses have not supported the prosecution case on the point of recovery of alleged weapon used in the crime. There is evidence on record that the investigating agency was pressurised to apply serious offences in the crime. The injured witnesses have stated that the accused abused them in the name of caste which is contrary to the F.I.R. Considering the evidence led by the prosecution, trial Court has acquitted the accused by assigning cogent reasons.

8. There is no illegality or perversity in the order passed by the trial Court. We do not find any merit in the appeal filed by the appellant. The same is therefore dismissed.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE