



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 932 OF 2024

Sandip Pralhad Jadhav

VERSUS

The State Of Maharashtra And Another

- Ms. Pranoti R. Karpe h/f Mr. Avinash Khedkar, Advocate for the Appellant
- Mr. S. B. Jadhav, APP for the Respondent/State
- Mr. P. V. Tapse Patil, Advocate for the Respondent No. 2 (appointed)

CORAM : R. M. JOSHI, J
DATE : JANUARY 29, 2025

PER COURT :

1. Appellant apprehends arrest in connection with with C.R. No. 428/2024 registered with Ambad Police Station, Dist. Jalna for the offences punishable under Sections 352, 351(2), 3(5), 118(1), 115(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The first informant claims that on 24.09.2024 while he was working at the site, present Appellant along with co-accused came to the spot. They tried to remove construction material from the site and which

was objected by the Informant. On this, Appellant and co-accused abused him over his caste so also caused assault on him.

3. Learned Counsel for the Appellant submits that the alleged incident has occurred on 24.09.2024 whereas the report is lodged after four days. It is her contention that Appellant and Informant did not belong to the same village in order to Appellant know caste of the Informant. It is her contention that the Appellant went to the spot to question the concerned persons about inferior quality of work being done. She, therefore, claims that this is a case of false implication.

4. Learned Counsel for the Informant and learned APP opposed the grant of any relief to the Appellant. Reference is made to Section 18 of the Atrocities Act claiming that there is embargo on allowing application of Section 438 of Code of Criminal Procedure. Learned APP has sought to place reliance on the statement of Sandip who claims that Appellant is his acquaintance. Thus, it is argued that since the Informant is relative of this witness, it should be presumed that he also

know his relative and their caste too.

5. No doubt, if *prima facie* offence is made out under the Atrocities Act, the embargo created by Section 18 would apply. However, in this case apparently this Court finds substance in the contention of learned Counsel for the Appellant there was no reason for the Appellant to know caste of the Informant. The contention of the Counsel for the Informant as well as learned APP is far fetched to accept that the Appellant since has acquaintance with the witness, he also has acquaintance with his relatives. In any case, there is reason to believe that this could be a case of false implication. Perusal of the investigation papers indicates that practically investigation is over. Nothing is to be recovered from the Appellant. Hence, Appeal is allowed by confirming interim order.

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

(R. M. JOSHI, J.)