



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

CRIMINAL WRIT PETITION NO.505 OF 2024

Ajinath Angad Raut,
Age Major, Occu. Business,
R/o. At Post Javala, Taluka Paranda,
District Osmanabad

.. Petitioner

Versus

The State of Maharashtra
Through PI Paranda Police Station,
Taluka and District Osmanabad

.. Respondent

Mr. Mukund R. Wagh, Advocate for Petitioner (through V.C.);
Mr. S. N. Morampalle, A.P.P. for Respondent

CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-11-2025

PER COURT:-

1. The petitioner has raised a challenge to the order dated 11.06.2023 rendered by the learned Additional Sessions Judge, Paranda, District Osmanabad, below Exhibit-1 in Criminal Miscellaneous Application No.1 of 2023, accepting "B" summary report and rejecting the protest petition presented by the petitioner.

2. The petitioner / original complainant had lodged first information report bearing Crime No.23 of 2018 with Paranda Police Station, for the offences punishable under Sections 435, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989. Eventually, the investigation was carried out by the police and on preparation of spot panchanama and recording of statements of witnesses, the 'B' summery report was prepared and presented.

3. Being aggrieved by the same, the complainant presented a protest petition submitting a list of witnesses, where it was stated that the statement of witnesses was not recorded. As such, the investigating agency had not carried out the investigation fairly and impartially.

4. The learned Additional Sessions Judge, considering the material on record, noted that the complainant failed to adduce any oral evidence and had filed evidence close pursis, thus, concluded the matter. After appreciating all the aspects and circumstances of the case the learned Additional Sessions Judge rejected the protest petition and accepted "B" summary report. Raising an exception to the same, the petitioner has approached this Court under Article 226 and 227 of the Constitution of India.

5. Heard both sides. Perused the documents placed on record.

6. It is case of the complainant that on 10.02.2018 in the midnight at about 2.00 a.m. noticed two persons standing near his shop. Accused Tanaji and Dhanaji were on the roof of the shop. Accused Tukaram and Shindhu were on the ground. They were having sticks and were lifting the tins of roof of the shop. Accused

Tanaji threw ignited matchstick from the gap of shutter of the shop and set it on fire. Accused Sindhu was abusing on his caste. The complainant tried to obstruct him, but they rushed towards him. So, he ran towards his home. The complainant, along with his parents, went again to his shop, but the accused were not there. Prior to this incident, on 30.12.2017, accused Dhanaji, Tanaji and Tukaram had threatened the complainant, while he was proceeding to the field at 2.00 p.m. Hence, lodged the report. On the basis of same, the police registered the crime for the aforesaid offences.

7. In furtherance with the registration of the first information report, the investigation was carried out and the report was submitted to the concerned Magistrate. Perusal of the same indicates that there are no eyewitnesses to the alleged offence. Moreover, the spot panchanama does not corroborate the solitary statement of the complainant. Pertinently, prosecution for commission of rape of an offence of the rape case is pending against the complainant on the basis of the report lodged by the accused. Hence, initiation of the present proceedings by the petitioner, appears to be an attempt to settle scores by false prosecution.

8. Thus, considering the material on record and in absence of sufficient material against the accused, "B" summary report filed

by the investigating agencies is correctly accepted by the learned Magistrate and order under challenge endorsing same does not warrant interference.

9. In the light of the aforesaid observations, no case is made out to warrant interference in the well reasoned order rendered by the learned Additional Sessions Judge, Paranda, District Osmanabad.

10. The criminal writ petition sans merit and, accordingly, the same is dismissed.

[SACHIN S. DESHMUKH]
JUDGE

rrd