

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 474 OF 2024**

Ajmat Rajjab Khan And Anr. ... Appellants
versus
The State of Maharashtra Respondent

Mr. Atal Bihari Dubey i/b. Mr. Amit S. Rane, Advocate for the Appellants.
Mr. Pankaj P. Deokar, APP for Respondent No.1-State.
Mr. Amit Katarnaware along with Ms. Pooja Dangre, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MARCH, 2025.

P.C. :

1. The appellants apprehends arrest in Crime No.296 of 2024 registered with Sakinaka Police Station, Mumbai, for the offences punishable under Sections 406, 409 read with Section 34 of the Indian Penal Code 1860 (for short "IPC") and Sections 3(1)(q), 3(1)(r), 3(1)(zc), 3(1)(za)(E) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The police have added Section 2(1) (bc-iii) as per the order of this Court.

2. It is prosecution case that the Trial Court has rejected the anticipatory bail application of the appellants. It is prosecution case that appellant No.1 and respondent No.2 were partners in business. Appellant No.1 had transferred amount of business to other parties, hence, respondent No.2 started his own new business. It is alleged that

thereafter, appellant No.1 gave false information and news was published by appellant No.2 in newspaper 'Swarnim Pradesh'. It is alleged that appellant No.2 lodged complaint against respondent No.2 with concerned authorities.

3. It is contention of learned counsel for the appellants that the appellants have been falsely implicated in this case. There is delay of around four years in lodging the complaint. Appellant No.1 and respondent No.2 were partners in business. News was published on 28th February 2021 and case was filed in the year 2024. The role of appellant No.2 is that he lodged complaint against respondent No.2. Interim protection is operating in favour of the appellants since 6th May 2024. The appellants have co-operated with the investigation, their custodial interrogation is not required and requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for respondent No.2 that appellant No.1 has cheated respondent No.2 by transferring the amount from their joint account to other parties. Thereafter, appellant No.2 filed false complaint against respondent No.2 with the concerned authorities. False news was published in newspaper causing defamation of respondent No.2. The appellants were aware about the caste of respondent No.2, in spite of that, they defamed respondent No.2. Considering allegations against them, their custodial interrogation is required and requested to dismiss the appeal.

5. I have heard all learned counsel, perused the FIR, documents produced on record and the impugned order passed by learned Special Court. There is delay of around three years in lodging the FIR. The appellant No.2 and respondent No.2 were partners in business. During that partnership, respondent No.2 has not lodged any complaint against appellant No.1. The role of appellant No.2 is that he had filed complaint against respondent No.2 and, thereafter, news was published against respondent No.2. There is no direct abuse to respondent No.2 by the appellants. The interim protection is operating in favour of the appellants since 6th May 2024. The appellants are co-operating with the investigation. Considering these facts, custodial interrogation of the appellants is not required and I pass following order :

ORDER

1. The order dated 20th June 2024 passed by this Court (Coram : Sandeep V. Marne, J.) is confirmed.

The appeal is allowed in above terms and stands disposed of.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)