

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

CRIMINAL APPEAL NO. 839 OF 2025

Mahesh Vishwas Kadam

...Appellant

V/s.

The State of Maharashtra and Anr.

...Respondents

Adv. Abhinav Chandrachud a/w Adv. Aadil Parsurampuria, Adv. Alam Parsurampuria, i/b Adv. Rushikesh Chavan, Advocate for the Applicant.

Ms. Ranjana Humane, APP for the Respondent No.1/State.

CORAM : N.R. BORKAR, J.
DATE : 19.08.2025.

P.C. :

1. The appellant is apprehending his arrest in Crime No. 0228 of 2025 registered at Waraje Malwadi Police Station, Pune for the offences punishable under Sections 333, 351(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita read with Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with Section 7 of the Civil Rights Act.

2 I have heard the learned counsel for the Appellant and the learned APP for the State-Respondent.

3. The learned counsel for the appellant submits that the alleged abuses on the caste are not attributed to the present appellant. It is further submitted that to constitute the offence under the SC & ST Act, the abuses must be made within a public view. It is submitted that in the present case the alleged incident took place inside the residential house of the complainant. In support of the submissions learned counsel for the appellant has relied upon the decision of the Hon'ble Supreme Court in Deepak Kumar Tala Vs. State of Andhra Pradesh and Ors¹

4. I have perused the first information report. The alleged abuses on the caste are not attributed to the present appellant. In that view of the matter, issue notice to the respondents, returnable on 10.09.2025.

5. Learned APP waives service of notice for respondent No.1.

6. Till the next date, the appellant shall not be arrested.

[N.R.BORKAR, J.]

¹ 2025 SCC Online SC 638
Pramod S.Lakare