



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO. 163 OF 2024

Abdul Salim Abdul Jalil and Ors.

Vs.

Anmol Mittal, Assistant Superintendent of Police, Akot, Dist. Akola

AND

CRIMINAL APPLICATION (APL) NO. 1068 OF 2021

Abdul Salim Abdul Jalil and Ors.

Vs.

State of Maharashtra, thr. PSO PS Akot City, Dist. Akola & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.B. Bhise, Advocate for applicants.

Ms. Shamsi Haider, APP for non-applicant No.1.

Mr. A.B. Moon, Advocate for non-applicant No.2.

**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATE : 03.04.2025.

CRI.CONTEMPT PETITION NO.163/2024.

The learned counsel for the petitioner, on instructions, does not want to press this Criminal Contempt Petition, accordingly, it is **disposed of**.

CRI.APPLN.(APL) NO.1068/2021.

The applicants herein have been charge-sheeted for the offences punishable under Sections 143,

341, 294, 392 of the Indian Penal Code and Section 3(1) (y), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. ("Atrocities Act" for short)

2. It is the case of the prosecution that non-applicant Nos.2 and 3 are the resident of the same area and they are neighbours. On 05.08.2021, the non-applicant No.2 lodged a criminal complaint against the applicants, whereupon Crime No.782/2021 came to be registered. After completion of the investigation, charge-sheet came to be filed on 02.04.2024.

3. It is the case of the prosecution that the applicants by forming unlawful assembly abused the non-applicant No.2 on his caste and snatched money from the non-applicant No.2.

4. Shri Bhise, learned counsel for the applicant submits that in the statement of the non-applicant No.2 recorded under Section 161 of the Code of Criminal Procedure he has categorically stated that the applicant No.1 abused him on caste and other accused were with the accused No.1 to support. He, therefore, submits that there are no allegations against the applicant Nos.2 to 8, that they abused the non-applicant No.2 on caste.

5. It is further argued that there are no allegation made by the non-applicant No.2 in the complaint that because the non-applicant No.2 belongs to a particular backward class to insult him, the alleged offence was committed.

6. Shri Bhise, learned counsel for the applicants further states that there is a rivalry between the applicants and the non-applicant No.2 and out of that rivalry, to falsely implicate the applicants, the non-applicant No.2 lodged the report with the police.

7. On the other hand, the learned APP and learned counsel for the non-applicant No.2 strongly opposed the application.

8. It is argued that there are statements of eyewitnesses in support the case of the prosecution. Accordingly, it is prayed that the application may be rejected.

9. In the light of the rival submissions, we have perused the charge-sheet. In the statement of the applicants recorded under Section 161 of the Code of Criminal Procedure there is a categorically statement made by him that applicant No.1 only, abused him on his caste and others were there in support of him. It is evident that barring the applicant No.1, there are no allegations of

abusing the non-applicant No.2 on caste. Thus, we are of the opinion that no offence under 3(1)(y), 3(2)(v) of the Atrocities Act constitutes against the applicant Nos.2 to 8.

10. As regards, the offences punishable under Sections 143, 341, 294, 392 of the Indian Penal Code, it is evident that there are eyewitnesses to the alleged incident and even if, the allegations made in the FIR are considered on its face value *prima facie* the offence constitutes, as alleged.

11. In that view of the matter, we pass the following order :

(i) The application is rejected qua the applicant No.1.

(ii) The Charge-Sheet dated 02/04/2024 to the extent the offence registered against applicant Nos.2 to 8 for the offence punishable under Sections 3(1)(y), 3(2)(v) of the Atrocities Act, is quashed and set aside.

The Criminal Application is **disposed of** accordingly.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)