

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1030 OF 2025

Raghunath Pandurang Jadhav And Ors	...Appellants
<i>Versus</i>	
The State of Maharashtra And Anr.	...Respondents

Mr. Dhiraj U. Mirajkar w Mr. Vikas Kapile w Maitreyee Gadgil, for the Appellant.
Mr. Shailesh S.Ghag, APP, for the Respondent No.1-State.
Mr. Anil Bansode, for the Respondent No.2.
API Ajit Patil, Navghar Police Station, is present.

CORAM: R. M. JOSHI, J.

DATED: 13th MARCH, 2026

PC:-

1. This Appeal is under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 takes exception the Judgment and Order dated 28th August, 2025 passed in Special Case No. 843 of 2024, whereby Special Court rejected application for discharge filed by the Appellants.

2. Learned Counsel for the Appellants drew attention of this Court to the First Information Report so also statement of witnesses recorded during the course of investigation. It is his submission that the alleged incident is the same which have occurred on 3rd December 2023 on the occasion of 12th day post ritual. It is his contention that with regard to the nature of

function, only close relatives and friends would attend such functions. In this regard, he drew the attention of this court to one of the witness, Smt. Tivrekhar who stated about being very well acquainted with all persons present at the place. On the basis of this statement, it is sought to be argued that since the witness is the friend and the other persons present at the time of occurrence of the incident were relatives, the Judgment of the Hon'ble Supreme Court in the case of ***Hitesh Verma Vs. State of Uttarakhand & Anr. and Swaran Singh and Ors. Vs. State through Standing Counsel and Ors.*** would have application to the present case. It is his submission that the the Special Court committed error in holding that the said judgment apply to the case of quashment of FIR.

3. The learned App and learned Counsel for the Respondent No.2/victim supported impugned order.

4. These cannot be any two opinions with regard to the law led down by the Hon'ble Supreme Court in the case of ***Swaran Singh and Hitesh Verma (supra)***. It is held by the Hon'ble Supreme Court in the case of ***Hitesh Verma*** that for the purpose of attracting the provisions of Atrocities Act in so far as offences wherein the victim is a member of Scheduled Castes and Scheduled Tribes, is abused or insulted over his caste. It is held that the offence would constituted, if it is committed in public view excluding the relatives and friends.

5. In so far as the present case is concerned, *prima facie* perusal of statement of Smt Tivrekhar does not indicating that she

is a friend of the victim. The said statement shows her presence and the apparent occurrence of the incident in question. There is no presumption that the only friends and close relatives would attend the function like one in which the incident has occurred. Needless to say that it is a matter of fact and it would be open for the Appellant /Accused to substantiate the said fact.

6. In respectful view of this court, the incident of abuse or insult over the caste takes place in the presence of friends or relatives of the victim, in that case the Judgment of the case of **Hitesh Verma (supra)** would apply. In this case this issue cannot be decided at this stage unless there is clear admission of the witnesses. Suffice is to say that the Appellants have failed to make out any case for the interference in the impugned judgment and order. Hence, Appeal stands dismissed.

(R. M. JOSHI, J.)

VDMokal/-