

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1061 OF 2025

Neeraj Shital Shah ...Appellant
Versus
State of Maharashtra & Anr ...Respondents

Mr Yuvraj Narvankar, for the Appellant.
Mr AS Gawai, APP, for Respondent No. 1-State.
Mr Shashikant Damodarlal Chandak, with Kanchan Chandak,
appointed Advocate, for Respondent No. 2.
Mr Vikas Jaktode, PSI, Hinjewadi Police Station, is present.

CORAM: R. M. JOSHI, J.

DATED: 2ND FEBRUARY 2026

PC:-

1. Heard.
2. Learned counsel for the Appellant submits that the statement made in the First Information Report even is accepted as true, no offence can be said to have been made attracting the provisions of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is his submission that relying upon the Judgment in the case of *Hitesh Verma vs. The State of Uttarakhand*,¹ the interim relief granted by this Court deserves to be confirmed.
3. Learned APP and counsel for Respondent No. 2 opposed the Appeal. It is the contention of counsel for Respondent No. 2 that the incident has occurred inside the cabin of the Appellant, which

1 AIR 2020 SC 5584.

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is a transparent and, therefore, the incident has been witnessed by the other persons in the office. It is his further submission that the allegation made in the memo of Appeal, so also, facts of the Appeal subsequent to the grant of interim relief amounts to offences.

4. Prima facie perusal of the First Information Report indicates that the offence has not been committed in public view. Since the informant categorically states that the alleged incident having occurred inside the cabin of the Appellant. Not only this, he further states that whatever was discussed in the cabin was not heard by any one else. It is, therefore, clear from the report itself that the offence is not committed in public view, hence, the Judgment of the Hon'ble Supreme Court in the case of *Hitesh Verma* (Supra), squarely applies to the present case.

5. Needless to state that, if permissible in law, it is open for Respondent No. 2 to take action against the Appellant as provided by law. However, this should not be construed as any leave granted therefor or merit of submissions of counsel for Respondent No. 2 being accepted by this Court.

6. In view of the above, interim relief stands confirmed.

7. The Appeal stands allowed.

(R. M. JOSHI, J.)