
(2013) 12 BOM CK 0175

In the Bombay High Court

Case No : Criminal Application No. 3025 of 2005

Babu and Others

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 12-12-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 949

Hon'ble Judges : N.H. Patil, J; M.T. Joshi, J

Bench : Division Bench

Judgement

Naresh H. Patil, J.—Heard learned counsel for the applicants and the learned A.P.P. for the respondent Nos. 1 and 2. None appears for respondent No. 3—original complainant. The applicants challenge registration of F.I.R. No. 153 of 2005, with Mukhed police station, district Nanded for the offences punishable under Sections 147, 148, 149, 324, 343, 336, 436, 504, 506, 294 of I.P.C., and Section 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. The subject complaint came to be lodged by respondent No. 3. It is alleged that the applicants gathered at the place of incident armed with sticks, started abusing the complainant and thereafter assaulted them. It was further alleged that Ganpat Narayan Sudke set on fire houses of Gangadhar Malu Totre and Tulshiram Baburao Totre. It was further alleged that the accused persons abused the complainant and persons belonging to his community on caste.

3. Counsel for the applicants submits that initially a complaint was lodged by one of the accused wherein the present complainant is an accused and as a counter blast to the said complaint, the present false complaint came to be filed. According to the counsel for the applicants, the applicants are innocent and the allegations made against them are absolutely false, frivolous and defamatory in nature.

4. Learned A.P.P for respondent Nos. 1 and 2 submits that charge sheet has been

filed in the subject crime against 14 persons in the year 2005 itself. However, the learned A.P.P is not in a position to make a statement as to the exact status of trial, as it is an old case.

5. We have perused the allegations made in the complaint. Considering the allegations made, we find that interference in exercise of jurisdiction conferred u/s 482 of Cr.P.C. is not warranted. Moreover, the charge sheet has been filed in this case.

6. We direct that the interim protection granted to the applicants to the effect that no coercive action be taken against them in so far as offence punishable u/s 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 would continue. However, in future, in case the trial court orders that the applicants would present themselves before the said Court, on the effective date of hearing, the applicants would extend co-operation to the trial court and the investigating agency. All issues on merits are kept open. With these observations, application stands disposed of. Rule stands discharged.