

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 40
(Dated 01/11/2025)

By the application, the accused are praying for discharge alleging that no offence is made out under the SC & ST Act. It is further alleged that there is no injury and the caste certificate is late after the offences are occurred.

2) Perused the application, say and charge-sheet. Heard both sides. Considered the submissions.

3) On perusal of the complaint, it is alleged that on 22/02/2019, the son of the complainant went to water the tree and he was opposed by accused Salim Beniwale which resulted into dispute and it is alleged that Salim Beniwale stated “तुमच्या बापाची शाळा आहे का, महार जातीच्या लोकांना फक्त चपराश्याचे कामे जमतात”. It is further alleged that thereafter, Salim called two other persons and they assaulted the husband and also assaulted the sister-in-law and Asif and Javed were stating “तु जर बौद्धाच्या पोटाच्या असशील तर बाहेर ये, तुला जीवाने मारतो”. It is further alleged that the other accused threw down the articles in the house and damaged the articles and gave threats and also damaged the motorcycle.

4) If one considers the provisions of Section 3(2)(va) of SC & ST Act, it contemplates that any offence specified in the Scheduled, if committed, will be an offence under the SC & ST Act. Of the Scheduled offence, present charge-sheet and allegations indicate forming of unlawful assembly etc. as stated therein. Thus, Section 143, 147, 148, 506 are seen to be attracted prima facie even from the complaint. It is

seen that the complainant as well as husband Haribhau Ananda Raut is also the victim herein. The caste certificate of Haribhau is of 2004-05. The caste certificate of Gawali Varsha Baburao appears to be in the maiden name. Suffice to say that veracity and details of the caste certificate at present would be opened for trial on evidence. Suffice, at present, allegations in the complaint and in the charge-sheet prima facie reveals commission of offence. Considering the same, as prima facie allegations are made out, application for discharge is hereby rejected. Hence, I pass the following order -

ORDER

- 1) Application at Exh. 40 for discharge is rejected.
- 2) The accused to appear before this Court on next date.
- 3) APP to furnish draft charge.

Washim.
Date: 01/11/2025.

(Anil Subramaniam)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Tq. Dist. Washim.

Date of Judgment/ Order :- 01/11/2025

Judgment/Order signed by :- 01/11/2025
the Presiding Officer on

Judgment/Order uploaded on :- 06/11/2025