

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 42 OF 2026**

Nandkishor Tarachand Jagtap ...Appellant  
Versus  
State Of Maharashtra And Anr. ...Respondents

**Mr. Rohan Hogle** *a/w Narendra Sadakal, Nagesh Khedkar and  
Aakash Konde-Deshmukh, for the Applicant.*

**Mr. R. M. Pethe**, *APP for the Respondent-State.*

**API – M. Zankar**, *Otur Police Station, is present.*

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**CORAM R. M. JOSHI, J.  
DATED: 19<sup>th</sup> JANUARY 2026**

**PC:-**

- 1.** Heard.
- 2.** Learned counsel for the Appellant submits that though in the First Information Report it is stated that the Informant was assaulted and abused over a caste in the presence of his wife and three other persons, however, in the written statement/reply submitted before the Sessions Court, the Informant states that he was present along with his wife. It is his submission that if the said statement made before the

Sessions Court is accepted, it cannot be said that the offence has been committed in public view.

**3.** Learned APP opposed the grant of any interim relief, submitting that there is a specific statement in the First Information Report that, at the spot of incident, apart from his wife, three other persons were also present. It is his submission that the statement dated 5<sup>th</sup> January 2026 made before the Sessions Court cannot be construed as his wife alone was there along with him at the spot.

**4.** There cannot be any dispute with regard to the proposition of law that, in respect of the offences involving insult over caste of the Informant, such offence needs to take place in public view. If in case, First Informant is accepted that three other persons were present, it could be said that the offence was committed in public view. However, *prima facie*, the statement of the Informant made before the Sessions Court shows that only his wife was there with him.

**5.** Having regard to the said fact, at this stage, this Court is unable to record any finding with regard to the correctness or otherwise of the said statement. Suffice it to say that if the offence is not said to have been committed in public view, in view of the judgment of the Hon'ble Supreme Court, in the case of *Hitesh Verma Vs. State of Uttarakhand*<sup>1</sup>, the embargo created by Section 18 of the SC/ST (Prevention of Atrocities) Act, 1989 may not get attracted.

**6.** Having regard to the aforesaid facts, and till Respondent No. 2 is served and an appropriate explanation is sought from him in respect of the statement made by him before the Sessions Court, the liberty of the Appellant deserves to be protected. Hence, the following order:

**ORDER**

- (i) Issue notice to Respondents.
- (ii) Learned APP waives notice on behalf of Respondent-State.

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**1** AIR 2020 SC 5584

(iii) Notice to Respondent No.2 is made returnable on **17<sup>th</sup> February 2026.**

(iv) There shall be ad-interim relief in terms of prayer clause (b), till next date of hearing.

**(R. M. JOSHI, J.)**