

(2025) 01 BOM CK 0015

Bombay High Court (Aurangabad Bench)

Case No: Criminal Application No.4113 Of 2022

Afshamaskar Laikkhan Pathan @
Afsha Firdos Ujeda And Others

APPELLANT

Vs

State Of Maharashtra And
Another

RESPONDENT

Date of Decision: Jan. 15, 2025

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 161, 173, 482
- Indian Penal Code, 1860 - Section 323, 353, 376, 376(2)(n), 504, 506
- Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 - Section 3(1)(r), 3(1)(s), 3(2)(va)

Hon'ble Judges: Vibha Kankanwadi, J; Rohit W. Joshi, J

Bench: Division Bench

Advocate: Rohit Patwardhan, S. S. Jadhav, A.D. Wange, Harshal P. Randhir

Final Decision: Allowed

Judgement

Rohit W. Joshi, J

1. The applicants, in the present matter, are arrayed as accused in First Information Report No. 0309 of 2022 registered with Shivaji Nagar Police

Station, District Latur on 12.07.2022 for the offences punishable under sections 376, 376(2) (n), 323, 504, 506 read with Section 34 of the Indian Penal

Code and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989. (hereinafter

referred to as "IPC" and "Atrocities" Act, respectively, for the sake of brevity).

2. The principal accused in the matter is one Arafat Laikhkan Pathan against whom allegations in relation to Section 376 and 376(2)(n) of the IPC are leveled. The present applicants are relatives of accused No.1 Arafat. The allegations against them are pertaining to Section 323, 504 and 506 of the IPC and Section 3(1)(r), 3(1) (s) and 3(2)(va) of the Atrocities Act.

3. Respondent No.2 is the informant. She has alleged that she was running a garment shop in shop No. A-6 which was taken on rent from applicant No.7 (Dr. Khayyum Pathan). The adjoining shop was being run by accused No.1. She claims that over a period of time, she developed a relationship and bonding with accused No.1, who had promised to marry her and upon such promise had established physical relations with her and had repeated encounters of sexual intercourse with her, although, she opposed the same. She claims that she had also converted to Muslim religion in order to marry accused No.1. (She has qualified this statement in her supplementary statement saying that she intended to convert after marriage, however, all formalities were not completed). She then claims that accused No.1 got engaged with another lady and was about to marry her. She claims that on account of engagement of accused No.1 with another girl, there was discord in between her and accused No.1.

4. Accused No.1 is not a party to the present proceeding. The above history which is narrated in the First Information Report is quoted just to give a broad over view of the statement of the facts giving rise to the allegations made in the First Information Report against the present applicants.

5. Respondent No.2 has claimed that on 01.07.2022, she had been to Teli Galli Latur for meeting accused No.1. She claims that applicant No.6 (mother of accused No.1) applicant No.1 (sister of accused No.1), applicant No.2 (husband of applicant No.1), applicant No.4 (friend of accused No.1) and applicant No.3 (cousin of accused No.1) were present there. She has alleged that applicant No.6 (mother) had hurled abuses in the name of her caste stating that because of her caste background, she was not worthy or suitable to marry her son i.e. accused No.1. The allegations against applicant Nos. 1 to 4 are that they were also present at the spot of the incident and had hurled similar abuses at respondent No.2. She also alleges that

accused No.1 and his mother (applicant No.6) so also the present applicant Nos. 1 to 4 had beaten her inflicting fist blows and kicks. These are the allegations in the First Information Report lodged by respondent No.2. It will be pertinent to mention here that the alleged incident had occurred on 01.07.2022 and First Information Report is lodged on 12.07.2022. Respondent No.2 has stated that the delay is due to death threat given to her by the persons named in the First Information Report.

6. The investigating agency has recorded supplementary statement of Respondent No.2 on 04.08.2022. In this statement, respondent No.2 has stated that applicant No.4 had asked her to come to Teli Gali in front of Sattar Tea House in order to return personal belongings of accused No.1 and accordingly she had been there at around 6.30 p.m. She alleges that accused No.1 and applicant Nos.1 to 4, 6 and 8 and one Chandpasha @ Babu Inamdar were present at the spot. In this supplementary statement, she has levelled further allegations against the applicants. Some of these allegations which are levelled do not find place in the First Information Report and some of the allegations are in the nature of further details or improvisation.

7. The allegations against applicant No.1 are that she had abused her in the name of her caste and had beaten with her footwear. The allegations against applicant No.2 are that he also abused her in the name of her caste and had pulled her hair. With respect to applicant No.3 she states that he had insulted her stating that since she belongs to a lower caste, she can only be a mistress and if she wants to marry, she can marry him and live with him as a second wife and further that he held her by her neck and had beaten her with a plastic chair that was lying at the spot. The allegations against applicant No.4 are that he had held her by her hair and had also pulled her Burakha and started beating her and further that while he was beating her, he stated that it was her good fortune that although she belongs to lower caste he was touching her.

8. The applicant No.8 appears to be the father of the other girl with whom accused No.1 had an engagement. The allegations against him are that while respondent No.2 had fallen down, he placed his foot on her thighs with a view to demean and insult her.

9. Advocate Shri. Rohit Patwardhan holding on behalf of Shri. Satej Jadhav appeared for the applicants and contended that the First Information Report is lodged with an ill intention to implicate the family members of accused No.1, since the relationship between accused No.1 and respondent No.2 did not materialize by culmination into marriage. He submits that respondent No.2 was disturbed by the fact that accused No.1 did not marry her despite alleged relationship extending over a period of two to three years. He states that the allegations made with respect to Atrocities Act are clearly by way of an afterthought and should, therefore, be discarded, particularly having regard to the backdrop in which the First Information Report is lodged. He draws our attention to the contents of the First Information Report to contend that it is lodged after period of 12 days from the date of alleged incident and further that there are glaring inconsistencies in between the contents of the First Information Report and supplementary statement recorded on 04.08.2022. According to him, the contents of the First Information Report would make out offence under the Atrocities Act against accused No.1 and his mother applicant No.6 and not against the other accused persons who are applicants in the present matter. He states that the supplementary statement dated 04.08.2022 is made after obtaining legal advise. According to him, overall contents of the supplementary statement, particularly the statement that respondent No.2 had not converted to Muslim faith and that she had agreed to convert once the marriage was solemnized clearly indicates that the supplementary statement is recorded pursuant to the legal advise. He also states that the allegations levelled individually against applicants No. 1 to 4 and 8 in the supplementary statement are pertinently missing in the First Information Report. He has further submitted that accused No.1 and respondent No.2 were in live-in-relationship and that their relationship was akin to that of a husband and wife and, therefore, when the marriage was not actually solemnized, respondent No.2 has implicated all the family members of accused No.1. He sums up the submissions stating that respondent No.2 is trying to take unfair advantage of belonging to scheduled caste category and that attempt to falsely implicate the applicants in offence under the Atrocities Act is apparent on the face of the record. He also submits that the contents of the First

Information report and statements of all witnesses recorded during the course of the investigation, so also other material clearly falls short of making out any offence under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Atrocities Act. As regards IPC sections, he would submit that the provisions are non cognizable and, therefore, the First Information Report cannot be registered. He therefore, prays that the First Information Report and proceeding in Special Case No. 116 of 2022 be quashed against the applicants.

10. Per contra Shri. A.D. Wange, the learned A.P.P. has strenuously opposed the submissions advanced on behalf of the applicants stating that clear and definite allegations pertaining to Atrocities Act have been levelled in the First Information Report. He states that the contents of the supplementary statement are not contrary to what is narrated in the First Information Report. According to him, the supplementary statement only provides further details with respect to the allegations made in the First Information Report. The learned A.P.P. states that the allegations pertaining to ill intentions on the part of respondent No.2 and/or attempt to falsely implicate the applicants etc. cannot be the consideration while entertaining the application for quashing of the criminal proceedings under Sections 482 of the Code of Criminal Procedure. He would submit that the contents of the First Information Report will have to be read and accepted on their face value for the present proceeding. He therefore, urges that the application deserves to be rejected.

11. Shri. Harshal Randir, learned Advocate for respondent No.2 has advanced submissions similar to those advanced by the learned A.P.P. He submits that abuses were hurled at respondent No.2 by the applicants who are the family members and relatives of the principal accused only because she belongs to scheduled caste and she was also beaten up by the applicants on that count. He states that the principal accused has refused to marry the respondent No.2 despite a sustained relationship for a considerable period of time only because of her caste and that his family members i.e. the present applicants have not only supported him in this but have indulged in the acts of abusing respondent No.2, in the name of her caste and also have beaten her to ensure that she does not marry with the accused No.1 only because she belongs to scheduled caste.

12. We have heard the learned Advocates as above and perused the entire records with their able assistance.

13. At the outset, it may be stated that the principal accused is not a party to the present proceeding. As regards his mother i.e. applicant No.6, the application was rejected vide order dated 12.03.2023.

14. A bare perusal of the First information Report dated 12.07.2022 and supplementary statement recorded on 04.08.2022, would demonstrate that there are no allegations whatsoever against two applicants viz applicant No.5-Miraj Khan and applicant No.9-Abdul Hameed Inamdar. In fact their names have not been mentioned either in the First Information Report or in the supplementary statement. In the absence of any allegations against them we deem it appropriate to allow the present application qua these two applicants.

15. Applicant No.7 Dr. Khayyumkhan Mohammadkhan Pathan is grand-father of accused No.1. He was admittedly not present at the spot of the incident. He has neither abused nor beaten up respondent No.2. Respondent No.2 has, however, stated in the First Information Report and supplementary statement that the other accused persons who were present at the spot had threatened respondent No.2 in the name of accused No.7 stating that he was a very influential person and the other applicants were acting as per his instructions. It is also alleged that applicant No.1 had stated that applicant No.7 had, in fact, asked them to eliminate respondent No.2 and had stated that he would manage everything. Except for this, there is nothing to connect respondent No.7 with the offence. The alleged statement of co-accused is the only material available against applicant No.7. The alleged statement of co-accused is not sufficient enough to sustain prosecution against applicant No.7. The prosecution is therefore, liable to be quashed against applicant No.7 as there is no legally admissible evidence or any material which may take shape of legally admissible evidence at the trial against him.

16. As regards the case of applicant No.8, he is father of the girl with whom engagement of accused No.1 was performed. His name is not mentioned in the First Information Report. His name appears for the first time in the supplementary statement dated 04.08.2022. The First Information Report

dated 12.07.2022 pertains to the incident which had allegedly occurred on 01.07.2022. In the First Information Report, respondent No.2 has stated that accused No.1 Arafat was present at the spot of the incident along with applicants No. 1 to 4 and 6. The First Information Report, does not indicate that apart from applicant Nos. 1 to 4 and 6 any other person/s was/were also present who was/were not known to respondent No.2 at that time. Perusal of the First Information Report indicates that only six persons were present. It will be pertinent to mention that although applicant No.7 was not present, something has been stated about him in the First Information Report. However, such statement is not made with respect to applicant No.8 in the First Information Report. It is for the first time that a role is ascribed to applicant No.8 in the supplementary statement dated 04.08.2022. The supplementary statement dated 04.08.2022 is recorded after a period of over one month from the date of the incident i.e. 01.07.2022. The prosecution has collected CDRs of all the accused persons. The CDRs show presence of accused No.1 and applicant Nos. 1 to 4 along with respondent No.2 on 01.07.2022 at a common location. The CDRs do not indicate presence of applicant No.8.

17. The allegations against applicant No.8 in the supplementary statement dated 04.08.2022 are required to be examined in the backdrop of the fact that he is father of the girl who was engaged with accused No.1. The entire cause for the alleged incident is that the relationship between accused No.1 and respondent No.2 did not materialize since accused No.1 was to marry the daughter of applicant No.8. It appears that it is for this reason that the name of applicant No.1 is stated in the supplementary statement. The allegations against applicant No.8 need to be taken with pinch of salt. The contents of the supplementary statement in the present case will have to be read in the light of other material on record and particularly in the First Information Report in which the name of applicant No.8 is not mentioned and more importantly presence of any person other than six persons named therein is also not alleged in the First Information Report.

18. The Hon^{ble} Supreme Court has recently held in the matter of B. N. John Vs. State of Uttar Pradesh and another reported in 2024 live

law (SC) 4 that crucial facts of which the informant was fully aware at the time of lodging First Information Report do not find place in the First

Information Report and are then recorded for the first time in the statement recorded under Section 161 of the Code of Criminal Procedure, then a

reasonable doubt is created as regards the veracity of the allegations made in the supplementary statement.

19. It will also be profitable to refer to judgment of the Honâ€™ble Supreme Court in the matter of Mahmood Ali Vs. State of Uttar Pradesh and

others reported in (2023) LiveLaw (SC)613 . The Honâ€™ble Supreme Court, while dealing with a matter pertaining to quashing of criminal

proceeding, has held that when the informant has some vengeance or an axe to grind against the persons against whom the First Information Report is

lodged, then the contents of the First Information Report/complaint should be examined along with all the attending circumstances and material on

record. Overall circumstances of the case must be adverted to. It is specifically stated that when any person initiates criminal prosecution on account

of personal vengeance or any ulterior motive, such person would ensure that the First Information Report/complaint is properly drafted with

appropriate pleadings so as to attempt to make out all the ingredients of the provisions constituting the offence. In such cases, it is essential that the

Courts dealing with an application under Section 482 of the Cr.P.C examine the matter closely and that it will not be enough to look at the allegations

levelled by the informant alone. In such cases it is the duty of the Court to advert to the circumstances leading to initiation of the criminal proceedings,

the Court must read between the lines and the record must be examined with due care and circumspection to rule out any possibility of victimization of

persons arrayed as accused. This judgment of the Honâ€™ble Supreme Court has been followed in the matter of Mamidi Anilkumar Reddy Vs.

State of Andhra Pradesh reported in 2024 SCC online 127.

20. We have examined and considered the allegations against applicant No.8 in the light of aforesaid guidelines of the Honâ€™ble Supreme Court. It

is clear from the reading of the First Information Report that according to respondent No.2 only six persons were present when the alleged incident

had occurred. Applicant No.8 is not one of those six persons. The CDRs collected by the prosecution do not show presence of applicant No.8 at the spot at the time of the alleged offence. Applicant No.8 is father of the lady with whom engagement of applicant No.1 has taken place. All these facts assume even greater significance since the lodging of the First Information Report is not immediately after the alleged incident. The First Information Report is lodged after a thoughtful consideration after a period of 12 days. All these facts could have been easily be recapitulated and stated in the First Information Report. The Honâ€™ble Supreme Court has recently in the matter of B . N. John Vs. State of Uttar Pradesh and Another (Special leave Petition (Cri.) No. 2184 of 2024 decided on 02.01.2025) held that when vital and crucial fact which were known to the informant on the date of lodging of the First Information Report are not mentioned and the same are subsequently stated in statement recorded under Section 161 of the Code of Criminal Procedure, then inference regarding false implication of the accused can be drawn against the informant. The Honâ€™ble Supreme Court was dealing with a matter of offence under Section 353 of the Indian Penal Code. The allegations regarding use of criminal force or assault to Government servant were missing in the First Information Report, however, subsequently the same were stated in the statement recorded under Section 161 of the Code of Criminal Procedure. The Honâ€™ble Supreme Court has held that when the fact regarding alleged use of criminal force or assault was within the knowledge of the informant and it was not so mentioned in the First Information Report lodged initially and recorded only in the subsequent statement, then an adverse inference would be drawn that the allegation was by way of an afterthought. In this context, the Honâ€™ble Supreme Court has held that although the First Information Report may not be an encyclopedia, it must mention all the relevant facts indicating a cognizable offence. Explaining the importance of the First Information Report, it is stated that it is document which triggers and sets into motion criminal legal process against the accused and it must disclose the nature of offence alleged to have been committed by the accused. If it does not so indicate the offence committed by an accused, the First Information Report is liable to be quashed. The judgment of the Honâ€™ble Supreme

Court fully supports the contentions of the applicants with respect to the case of applicant No.8, in as much as although the First Information Report is

lodged after a period of 12 days, his presence is not indicated in the First Information Report and likewise no role is attributed to him in the

supplementary statement recorded after a period of one month. He was sought to be implicated which appears to be solely on the count that he

happens to be father of the girl with whom engagement of live-in-partner of respondent No.2 has entered into.

21. Having regard to the totality of the circumstances emerging from the record, we are of the considered opinion that criminal prosecution against

applicant No.8 also deserves to be quashed.

22. As regards applicant Nos. 1 to 4, allegations regarding verbal abuse and beating are levelled against them in the First Information Report as well

as in the supplementary statement. In the First Information Report, respondent No.2 has stated that applicant No.6/mother of the principal accused

had abused respondent No.2. The words allegedly uttered by applicant No.6 have been mentioned in the First Information Report. Respondent No.2

has stated in the First Information Report that applicant Nos. 1 to 4 had abused her by uttering similar words. It will be pertinent to mention here that

alleged utterance by applicant Nos. 1 to 4 individually does not find place in the First Information Report. However, in the supplementary statement

respondent No.2 has quoted the words allegedly uttered by applicant Nos. 1 to 4, whereas the statements allegedly made by applicant No.1 and 2 are

restricted to abuses relating to caste, with respect to alleged statements made by applicant Nos. 3 and 4, apart from the allegations of the same being

casteist, they are alleged to be tainted with sexual overtones. This allegation of sexist remarks does not find place in the First Information Report.

There appears to be marked improvement in the allegations made in the supplementary statement.

23. Prima facie, the presence of accused Nos. 1 to 4 at the spot of the incident at the alleged time of the offence cannot be ruled out at this stage in

the light of allegations made in the First Information Report which is supported by their CDRs. Respondent No.2 has alleged in the First Information

Report itself that applicant Nos. 1 to 4 had also abused her by making casteist remarks while beating her. Although some improvements have been made in the statement recorded under Section 161 of the Code of Criminal Procedure dated 04.08.2022, we find that the allegation that casteist, abuses were hurled at respondent No.2 find place in the First Information Report although, they are lacking in particulars. The question that falls for consideration is whether these alleged acts on the part of applicant Nos. 1 to 4 will attract the rigors of Section 3(1)(r) and 3(1)(s) of the Atrocities Act. Section 3(1)(r) is attracted when a member of scheduled caste is intentionally insulted or intimidated with an intention to humiliate him/her in any place within "public view". Likewise Section 3(1)(s) is attracted when a member of Scheduled Caste or Scheduled Tribe is abused by the name of caste in any place within a "public view". Perusal of the said provisions would indicate that mere insult or intimidation with a view to humiliate or hurling abuses in the name of caste will not constitute an offence under the said provisions. The offence under the said provisions will be made out only if such act of insult/ intimidation with a view to humiliate and/ or abuse in the name of caste is in public view. It will be pertinent to mention here that the incident need not be in a public place. It has to be in public view.

24. We have scanned the entire record of the case with the assistance of learned Advocates with a view to examine as to whether the alleged incident had occurred in a public view. We may state that respondent No.2 has not mentioned that people from public at large were present at the spot of the incident either in her First Information Report or in the supplementary statement. The final report filed under Sections 173 of the Cr.P.C. also does not mention that the incident had occurred in public view. The investigation is complete. The prosecution has not recorded statement of any third person before whom the alleged incident had occurred. We are mindful of the fact that the incident had occurred on 1.07.2022 and First Information Report was lodged on 12.07.2022 and in such circumstances it may not be possible for the prosecution to find any witness in whose presence the alleged incident had occurred. However, we must reiterate that respondent No.2 has also not alleged that the incident had occurred in the public view.

With this, we may refer to the spot panchnama/ crime details form which forms part of the charge sheet. The report indicates that the spot of alleged

incident is a narrow lane. The incident might have occurred in a public place, however, there is no material to indicate that it occurred in public view.

Most importantly, it is not even alleged by respondent No.2 in the First Information Report or the supplementary statement or even mentioned by

respondent No.1 in the final report that it had occurred in public view.

25. Recently in the case of Prakash Vitthal Bondirwad and another Vs. The State of Maharashtra and another in Criminal Application No.

2672 of 2022 decided on 2. 01.2025, this Court, placing reliance upon the judgment of the Honâ€™ble Supreme Court in the case of Hitesh Verma

Vs. State of Uttarakhand and another [(2020) 10 Supreme Court Cases 710] has held that in order to constitute offence under Section 3(1)(r) and

3(1)(s) of the Atrocities Act, the alleged insult, intimidation causing humiliation and/or act of hurling abuses must be in public view for which presence

of some third person/s is essential at the time of the incident. It is further held that existence of any independent witness who has seen the incident is

essential to make out the offence under the said provisions. The First Information Report in relation to offence under Section 3(1)(r) and 3(1)(s) came

to be quashed since there was no independent witness, who had seen the alleged incident. Similar is the situation in the present case. Here also the

charge sheet does not contain the statement of any third person who has viewed the alleged incident.

26. The Honâ€™ble Supreme Court has held in the matter of CBI Vs. Tapankumar Singh [(2003) 6 SCC 175] that although the First

Information Report may not be an encyclopedia of all the facts relating to the offence reported, but none the less it must contain all the necessary

facts which disclose commission of a cognizable offence which would provide sufficient information to the police officers to form a foundation

regarding occurrence of a cognizable offence. In the case at hand, the alleged incident had occurred on 01.07.2022. The First Information Report is

lodged after a period of 12 days on 12.07.2022. Respondent No.2/informant had sufficient time in between the date of the incident and lodging of the

First Information Report. Yet, in the First Information Report, nothing is stated about the alleged incident being witnessed by any third person/s. It is

clear from the First Information Report that according to the informant/respondent No.2 the incident did not occur in public view. Respondent

No.2/informant has further recorded her statement under Section 161 of the Code of Criminal Procedure on 04.08.2022, even in that supplementary

statement there is no allegation that the incident had occurred in public view.

27. Having regard to the aforesaid, we are of the view that offence under Section 3(1)(r) and 3(1)(s) of the Atrocities Act is not made out.

28. The other allegation against applicant Nos. 1 to 4 is that they had caused simple hurt to respondent No.2 by beating her and likewise there is also

allegation of criminal intimidation under Section 504 and 506 of the IPC. The offences under Sections 323 and 506 are included in the Schedule

referred in Section 3(2) (va) of the Atrocities Act. Although the offences under Sections 323, 504, 506 of IPC are non cognizable offences, the

offences under Sections 323 and 506 IPC when committed by members not belonging either to Scheduled Caste or Scheduled Tribe against a person

belonging to Scheduled Caste or Scheduled Tribe becomes a cognizable offence under Section 3(2)(va). There are clear and consistent allegations

against applicant Nos. 1 to 4 that they had beaten and caused simple hurt to the respondent No.2 during the course of the alleged incident on

01.07.2022. We are, therefore, of the opinion that offence under Sections 3(2)(va) cannot be quashed against applicant Nos. 1 to 4.

29. One of the issues that falls for consideration is as to whether criminal prosecution can be quashed only in part i.e. with respect to provisions which

are not attracted and be maintained with respect to provisions that are attracted. This question is no longer res interga and has been fully answered by

the Honâ€™ble Supreme Court in the matter of Ishwar Pratap Singh Vs. State of Uttar Pradesh [(2018) 13 SCC 612] that a criminal prosecution

can be quashed in part with respect to provisions which are not attracted.

30. In view of the aforesaid, we proceed to pass the following order :-

ORDER

(I) The application is disposed of as withdrawn with respect to applicant No.6-Shahin Laikhan Pathan, as per order dated 12.04.2023.

(II) The application is allowed with respect to applicant No. 5-Merajkhan Quyyamkhan Pathan, applicant No.7-Dr. Khayyumkhan Mohammadkhan

Pathan, applicant No.8-Irfan Harun Inamdar (Shaikh) applicant No.9- Abdul Hamid Allabaksha Inamdar, and accordingly First Information

Report No. 309 of 2022, registered at Shivaji Nagar Police Station, District Latur on 12.07.2022 and Special Case No. 116 of 2022 pending on the file

of learned Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Latur, are quashed against them.

(III) As regards applicant No.1-Afshamaskar Laikhkan Pathan @ Afsha Firdos Ujede. Applicant No.2-Firdos Gulabsab Ujede, applicant No.3-

Samikhan Khayyumkhan Pathan and applicant No.4-Mukid Abdul Hamid Inamdar, First Information Report No. 309 of 2022 registered at Shivaji

Nagar Police Station, District Latur on 12.07.2022 and Special Case No. 116 of 2022 pending on the file of learned Special Court under the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Latur, are quashed to the extent of offences punishable under Sections 3(1)(r)

and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and prosecution with respect to other offences is

maintained against them.