

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No.314 of 2001**

The State of Chhattisgarh

---- Appellant

versusHarish Chandra, aged about 48 years, S/o Radha Kishan Agrawal,
occupation Rice Mill, R/o Lakholi Road, District Rajnandgaon

--- Respondent

For State/Appellant	:	Shri Neeraj Mehta, Panel Lawyer
For Respondent	:	Shri Ravindra Agrawal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****8.12.2017**

1. This appeal preferred by the State is directed against the judgment dated 15.5.2000 passed in Special Case No.160 of 1997 by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'the Act of 1989'), Rajnandgaon convicting and sentencing Respondent Harish Chandra as under:

<u>Conviction</u>	<u>Sentence</u>
Under Section 332 of the Indian Penal Code	Fine of Rs.6,000/- with default stipulation

2. In the matter of conviction under Section 332 of the Indian Penal Code, the State has preferred this appeal for enhancement of the sentence awarded to the Respondent.
3. Supporting the grounds urged for appeal, Learned Counsel appearing for the State/Appellant argued that the Trial Court has failed to appreciate that the place of occurrence was a public place where the Respondent had abused and insulted the Complainant using derogatory words. The Trial Court ought to have seen that the Complainant, whose insult was done by the Respondent, was a

member of the Scheduled Caste and he was also obstructed by the Respondent to perform his duties as a public servant and as such the Respondent is liable to be sentenced with the full term of imprisonment provided under Section 332 of the Indian Penal Code. It is further argued that looking to the nature of offence and the manner in which it was committed by the Respondent, he does not deserve a liberal consideration.

4. On the other hand, Learned Counsel appearing for the Respondent argued that the Respondent has been convicted only for the offence under Section 332 of the Indian Penal Code which is punishable with imprisonment of either description for a term which may extend to 3 years or with fine or with both and, therefore, the Trial Court has rightly sentenced the Respondent with fine of Rs.6,000/- with default stipulation. It is further argued that the Respondent is facing the *l/s* since 1997, i.e., for about 20 years and, at present, he is aged about 67 years, therefore, as on today, it would not be in the interest of justice to sentence him with imprisonment.
5. Having regard to the aforestated submissions, I am of the considered opinion that the sentence imposed upon the Respondent by the Trial Court is just and proper and the same does not warrant any interference by this Court.
6. In the result, the appeal preferred by the State is dismissed.
7. Record of the Court below be sent back along with a copy of this judgment forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge