

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.469 of 2005

Order Reserved on : 1.8.2017

Order Passed on : 11.8.2017

Ajj Bhai Jewa, S/o Amir Bhai Jewa, aged about 30 years, R/o Kalkapara
Ambedkar Ward No.7, Dongargarh, District Rajnandgaon, Chhattisgarh

---- **Petitioner**

versus

State of Chhattisgarh through P.S. Dongargarh, District Rajnandgaon,
Chhattisgarh

--- **Respondent**

For Petitioner : Shri Basant Dewangan, Advocate
For State/Respondent : Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

C.A.V. ORDER

1. By this revision the accused/Petitioner has challenged the legality and propriety of the judgment dated 5.9.2005 passed in Criminal Appeal No.56 of 2005 by the Sessions Judge, Rajnandgaon affirming the judgment dated 27.4.2005 passed in Criminal Case No.201 of 2003 by the Additional Chief Judicial Magistrate, Dongargarh by which the Petitioner has been convicted under Section 294 of the Indian Penal Code and sentenced to pay fine of Rs.200/- with default stipulation.
2. As per the case of prosecution, Complainant Janrail Singh (PW-1) was receiving anonymous calls on his telephone at his residence and the person calling on the telephone was using abusive language. By installation of a caller id instrument, the Petitioner was identified to be the caller. On 8.2.2005 at about 2:30 p.m., the

Complainant called upon the Petitioner and asked him why was he making such calls on his phone. The Petitioner denied that he had made any such calls and getting enraged used abusive language against the Complainant. The Complainant lodged a First Information Report. After investigation, a charge-sheet was filed against the Petitioner. The Trial Court, after hearing both the parties, held the Petitioner guilty and convicted and sentenced him as mentioned above. In appeal, the judgment of conviction and sentence passed by the Trial Court has been affirmed. Being aggrieved, the accused/Petitioner has preferred the instant revision.

3. Learned Counsel appearing for the Petitioner/accused argued that there is no evidence on record to show that the Petitioner was the person who used to make anonymous calls on the telephone of the Petitioner. Both the Courts below have failed to appreciate the fact that the Complainant lodged the report after consultation and getting the same drafted by his Advocate. The root cause of the whole incident is the anonymous calls made by an unknown person. The Complainant in his statement has himself admitted that he did not install any caller id instrument when his wife was receiving the anonymous calls. Therefore, the Petitioner cannot be held guilty for using abusive language against the Complainant. It was further argued that the wife of the Complainant has not been examined by the prosecution.
4. On the other hand, Learned Counsel appearing for the State/Respondent opposed the revision and submitted that the Courts below have rightly convicted and sentenced the Petitioner/accused.

5. I have heard Learned Counsel appearing for the parties and perused the impugned judgment and the records of both the Courts below.
6. According to the statement of Janrail Singh (PW-1), after the incident, when he asked the Petitioner/accused about the telephonic calls received at his residence, the Petitioner/accused annoyed and used abusive language against him in the name of his mother and sister. This incident took place in Gol Bazar. This witness has further deposed that the abusive language used by the Petitioner was filthy. This statement of Janrail Singh (PW-1) is corroborated by Harmeet Singh (PW-2). Manmeet Singh (PW-3) has also deposed that when he listened the noise and came out, he saw that hot talks were going on between two persons.
7. In the light of above evidence of the three prosecution witnesses, I am of the considered view that the Appellate Court has not committed any illegality in affirming the judgment of conviction and sentence passed by the Trial Court.
8. Consequently, I do not find any ground for interference in exercise of revisional jurisdiction. The revision, therefore, fails and is hereby dismissed. The impugned judgment of conviction and sentence is affirmed.
9. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
JUDGE