

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 244 of 2013**

State of Chhattisgarh, through: Police Station- Kusmunda, District -Korba (C.G.)

---- **Petitioner**

Versus

Akhtar Ansari, S/o Nazimuddin Ansari, Aged About 31 Years, R/o Chama, P.S. Neral, District- Gadhwa (Jharkhand), Presently R/o Sutarra, P.S. Katghora, District- Korba (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Lav Sharma, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

23/10/2018

1. Heard on I.A. No. 01/2013, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 369 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 30.11.2011 passed by Special Sessions Judge (Atrocities), Korba (C.G.) in Special Session Trial No. 16/2009, wherein the said court acquitted the respondent for commission of offence under Sections 354 & 506 (Part-II) of IPC and Section 3(1)(11) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (for short "the Act, 1989").
5. Case of the prosecution is based on statement of the prosecutrix (PW-2), Saleem (PW-3) & Subhash Kumar (PW-6). As per version of the prosecutrix, there was some

altercation with the respondent on account that son of prosecutrix was absent from working of respondent's vehicle. As per version of this witness, her son was working with the respondent as helper in the said vehicle and due to absence of her son, the incident took place. Saleem (PW-3) stated that there was altercation between respondent and the prosecutrix. Subhash (PW-6) narrated different story what is stated by prosecutrix (PW-2) & Saleem (PW-3).

6. Looking to the entire evidence, the trial court opined that it is not a case of outraging modesty, but incident took place on account of absence of son of prosecutrix from duty. The trial court has also discussed the evidence regarding threatening and found that the words used during altercation is mere fury which has no substance and there is no determination to execute the threat, therefore, offence under Section 506 (Part-II) of IPC is also not established.
7. After going through the entire record and the statement recorded by the trial court, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge