

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 324 of 2018**

State of Chhattisgarh, Through: Police Station- Gudhiyari
District Raipur (C.G.)

---- Petitioner**Versus**

1. Beeru Sahu, S/o Shri Laxman Sahu, Aged About 37 Years.
2. Kuleshwar Sahu @ Goldi, S/o Mohit Sahu, Aged About 23 Years.

Both R/o Laxman Nagar, Gali No. 3, Thana Gudhiyari, District
Raipur (C.G.)

---- Respondents

For State/ Petitioner : Mr. Ramakant Pandey, Panel Lawyer
For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****04/09/2018**

1. This petition is preferred against judgment dated 10.10.2017 passed by Judicial Magistrate First Class, Raipur (C.G.) in Criminal Case No. 8726/2014, wherein the said court acquitted the respondents for commission of offence under Sections 294, 324 read with Section 34 of IPC and under Section 294, 323 read with Section 34 of IPC respectively.
2. The respondents were charge-sheeted for uttering obscene words in public place on 04.06.2014 and causing simple injury to one Chhannudas Sahu by sharp object and causing simple injury to him by hand and fist.
3. Chhannudas Sahu, who is victim, was going in small truck for transporting bricks. In the square, hand cart of respondents

was standing that is why he asked the respondents to remove their hand cart for making space.

4. As per version of this witness, respondents assaulted by some sharp object near his ear and respondent No. 2 assaulted him by hand & fist. In his cross-examination, he deposed that his vehicle was covered with tin which was sharp and he further admits that there was scuffle between respondents and him. Though, one blade was seized from respondent Beeru, but the same was not produced before the doctor to get opinion whether seized article could cause injury found in the body of Chhannudas Sahu. In view of this evidence, the trial court opined that at the time of scuffle, there is a possibility of getting injury from tin shed of the vehicle of Chhannudas Sahu that is why commission of offence is not established. Again, there is no evidence in support of causing injury by hand & fist by respondent No. 2 because same is not substantiated by any medical evidence and only bald statement is not sufficient to bring him guilt.
5. From version of Chhannudas (PW-3) it is not clear that what is the words uttered by any of the respondents. It is settled law that filthy abuses uttered unintentionally without understanding the literal meaning are not obscene words. Obscene words are words which is related to morality or sexuality. In absence of statement of actual words uttering, obscene words is not established.

6. The trial court has elaborately discussed the entire evidence. Looking to evidence and looking to the nature of offence, this Court has no reason to substitute another finding. The finding recorded by the trial court is neither perverse nor based on irrelevant and extraneous material. The judgment passed by the trial court is not liable to be interfered.
7. Accordingly, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge