

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1192 of 2018**

The State of Chhattisgarh, Through- District Magistrate, District-
Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

1. Bhagat Ram, S/o Chheduram Yadav, aged about 55 years.
 2. Savitri Bai, W/o Bhagat Ram Yadav, aged about 50 years.
- Both R/o Village-Hasaud, P.S.-Hasaud, District- Janjgir-Champa (C.G.)

---- **Respondents**

 For State/ Petitioner : Ms. K. Tripti Rao, Panel Lawyer.
 For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

30/08/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 25 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 31st January, 2018 passed by Special Judge (SC/ST Act), Janjgir, District- Janjgir-Champa (C.G.) in Special Session Case No. 03/2014, wherein the said court acquitted the respondents for charge of commission of offence under Section 3(1)(10) of the SC/ST (Prevention of Atrocities) Act, 1989 and Section 294 of IPC, 1860.

5. In the present case, complainant is Loknath Satnami and as per record, he is a member of schedule caste. From evidence adduced by the prosecution, it is established that on the date of incident i.e. on 04.06.2013 at about 12.00 a.m., there was a quarrel between complainant and the respondents regarding land which is recorded in the name of father of the respondent Bhagat Ram. It is alleged that the complainant has constructed a house over the land belonging to father of the respondent Bhagat Ram. No sale deed was executed in favour of the complainant by the owner and that is why there is a long differences between the parties for said property.
6. On the date of incident also the altercation took place on the ground that the complainant was interfering in the said property and respondents were constructing house which was damaged.
7. On overall assessment of evidence adduced, it is established that it is a property dispute between the parties and same is not happened on the basis of complainant's caste. It is not the case that respondent tried to bring down reputation of the complainant on the basis of caste.
8. Looking to the property dispute, the trial court opined that it is not a case based on caste and this Court has no reason to interfere with the finding recorded by the trial court.
9. From the evidence of Loknath (PW-2), Ravi Kumar (PW-3), Balistar Mahant (PW-4) and Padman Ratre (PW-5), some filthy abuses were uttered by respondents during course of altercation.
10. 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, but in the

present case, altercation took place on account of property dispute and in that dispute some filthy abuses were uttered.

11. The trial court has discussed the issue at length and came to conclusion that the charges are not established.
12. Looking to the entire evidence, it is not a case where respondents should be summoned again.
13. Accordingly, application for grant of leave to appeal is liable to be and is hereby dismissed.
14. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge