

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1531 of 2018**

State of Chhattisgarh, Through Police Station-Chhuikhadan
District- Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. Ashok Bharti, S/o Bulkhu Bharti, Aged About 44 Years.
2. Punaram, S/o Konda Bharti, Aged About 45 Years.
3. Nandkumar, S/o Bulkhu Bharti, Aged About 30 Years.
4. Premlal, S/o Bulkhu Bharti, Aged About 37 Years.

All are R/o Village Bhardagond, Police Station-Chhuikhadan
District- Rajnandgaon (C.G.)

---- Respondents

For State/ Petitioner : Mr. Ramakant Pandey, PL.

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10/09/2018**

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 30.05.2018 passed by Additional Sessions Judge, Khairagarh, District Rajnandgaon (C.G.) in Sessions Case No. 04/2015, wherein the said court acquitted all the four respondents for commission of offence under Section 294, 506, 323 read with Section 34 of IPC.
3. To substantiate the charge, the prosecution examined as many as 10 witnesses. As per version of Kumbhlal (PW-1), Nandkumar & Bhikham have assaulted him and sustained injury on his leg, but Nandkumar and Bhikham were not

prosecuted before the trial court. As per version of this witness, one Shanta Bai intervened into the matter, but Shanta Bai was not examined before the trial court.

4. As per version of Keja Bai (PW-4), the respondents have assaulted Gulabram on his head, but Gulabram is not supported version of this witness and as per version of Gulabram (PW-2), he sustained injuries on his hand. Janki Bai (PW-5) deposed that respondents caused injuries to Keja Bai, but Keja Bai is not supported version of Janki Bai and she did not depose that she sustained injury during the incident. As per version of medical expert, injuries found on body of Kumbhlal and Gulabram were simple in nature.
5. Looking to the contradictory statement of the prosecution witnesses, the trial court opined that it is not safe to conclude against all the four respondents for their participation in the crime in question, therefore, the trial court recorded its finding that offence under Section 323 is not made out. So far as offence under Section 294 and 506 is concerned, there is no sufficient evidence regarding commission of these offences.
6. It is not established from any of the evidence as to what were the words uttered by any one. When actual words were not deposed, the trial court was not in position to examine whether the words are obscene words or not. Again, the threatening part is also not clear, therefore, any words uttered unintentionally is not sufficient to establish charge of threat to kill. Only words are not sufficient to establish charge, but there

should be determination on the part of a person who threatens any one and that is not in the case.

7. In view of the above, this Court has no reason to interfere with the finding recorded by the trial court. 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