

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.1149 of 2018**

1. Mukesh Kumar Dewangan, aged about 28 years, S/o Dinesh Dewangan,
2. Poonam Chand Dewangan, aged about 25 years, S/o Dinesh Dewangan,
3. Dinesh Dewangan, aged about 57 years, S/o Late Sukhram Dewangan,

All R/o Village Deori, Thana Bhatapara, Gramin, District Baloda Bazar, Chhattisgarh

---- Applicants

versus

The State of Chhattisgarh through Police Station Bhatapara, City, District Balodabazar, Chhattisgarh

--- Respondent

For Applicants	:	Shri Parag Kotecha, Advocate
For Respondent	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.11.2018

1. Heard on admission.
2. The instant revision has been preferred against the order dated 10.9.2018, whereby the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (henceforth 'the Act'), Balodabazar has framed charges under Sections 452, 294 (5 Counts), 506 Part II, 323 read with Section 34 of the Indian Penal Code and Section 3(1)(v) of the Act against the Applicants in Special Sessions Case No.14 of 2018.
3. Learned Counsel appearing for the Applicants submits that there is

nothing on record on the basis of which *prima facie* any offence under Section 3(1)(v) of the Act could be made out against the Applicants. He further submits that the incident occurred on 11.6.2018 and on the same day, First Information Report was lodged by Complainant Shyamlal Dhruw. In the FIR, there is no allegation that the Complainant was abused or insulted by his caste. Caste certificate of the Complainant was also got prepared on 15.6.2018 which was seized on 19.6.2018. Therefore, no *prima facie* case under Section 3(1)(v) of the Act is made out.

4. Learned Counsel appearing for the State/Respondent opposes the submission put-forth on behalf of the Applicants. He submits that statements of the witnesses under Section 161 of the Code of Criminal Procedure were recorded on 12.6.2018, i.e., just next day of the incident. In their statements, Complainant Shyamlal Dhruw, Sushila Dhruw, Vivek Dhruw and Shiv Prasad Dhruw have categorically stated that at the time of incident the Applicants had abused the Complainant by his caste. Therefore, *prima facie* case under Section 3(1)(v) of the Act is made out and, therefore, the Trial Court has rightly framed the charges.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Considering the evidence collected by the prosecution, I find that there is sufficient ground to frame charges against the Applicants under Sections 452, 294 (5 Counts), 506 Part II, 323 read with Section 34 of the Indian Penal Code and Section 3(1)(v) of the Act. The charges framed by the Trial Court are based on the material

available. I find no perversity in the impugned order.

7. Consequently, I do not find any merit in the instant revision. It is, therefore, dismissed at the stage of admission itself.

Sd/-

(Arvind Singh Chandel)
Judge