

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2297 of 2018**

- State Of Chhattisgarh Through The District Magistrate ,District Janjgir-Champa Chhattisgarh.

---- Petitioner**Versus**

- Ramkripal Tiwari S/o Guorinandan Tiwari Aged About 62 Years R/o Senior N.I. B.1 C Block Q.No. 606 Kanchan Aswa Parisar, Deen Dayal Upadhyay Nagar Raipur District Raipur Chhattisgarh .

---- Respondent

For Petitioner/State : Shri Sanjeev Pandey, Govt.
Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

30/11/2018

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 166 days in filing the petition is condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) Cr.P.C.
4. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 18.1.2018, passed by the Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989, Janjgir, District Janjgir Champa(CG) in Special Sessions Trial No.12/2016, wherein the said Court has acquitted the respondent of

the charges under Section 3 (1) (x) of the old Act and Section 3 (1) (r) of the new Act of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. In the present case, the complainant is Anurodh Singh Khushal, who is examined as PW4. He was posted as Sub-Engineer in the Chhattisgarh State Electricity Transmission Company and was working under the respondent at Chandrapur, Kanshidih on 25.12.2012, where the respondent was Chief Engineer of the said Institution. Complainant- Anurodh Singh Khushal (PW4) has not supported the version of the prosecution. As per version of this witness, the respondent who was his superior officer scolded him for his degraded performance. All other witnesses of the prosecution have also not deposed that anything is done on the basis of caste and that too for insulting or humiliating the complainant- Anurodh Singh Khushal (PW4). It is a departmental case where subordinate has to follow directions of his superior. All were working as per directions of the appointing and controlling authority and not because of their caste. As the evidence on this part was lacking, the trial Court opined that the charges levelled against the respondent are not established.
6. After reassessing the evidence, this Court has no reason to take a different view than the view taken by the trial Court and it is not a case where the respondent should be called for full consideration of the case. Accordingly, the prayer for leave to appeal is rejected.
7. Consequently, Cr.M.P. stands dismissed.

Sd/

(Ram Prasanna Sharma)
Judge

