

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

105

CRR-2079-2017

Date of decision: 16.01.2018

Baljeet Singh @Pappu

...PETITIONER

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravinder Malik, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court by filing the present revision petition challenging the order dated 12.05.2017 passed by the trial Court framing charge under Sections 323, 324 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act').

Learned counsel for the petitioner restricted his challenge to the charge as regards Section 3 (1) (r) (s) of the SCST Act on the ground that the said offence is not made out in the FIR and the challan, which has been presented. His contention is that Rohan Kumar, who is the person, who is alleged to have been beaten by the petitioner, has not even asserted that such a language was used which would attract the provisions of the SC/ST Act. As regards his mother Jaswinder Kaur is concerned, the mandate of Section 3 (1) (r) (s) of the SC/ST Act is not fulfilled as a combined reading

of the full statement of hers would show that it was not in any place within the public view. For this, he contends that as per the statement of the mother, it was in the house of the accused that the offending words were used. He, therefore, contends that the charge, as framed against the petitioner qua the provisions of the SC/ST Act, cannot sustain.

Learned counsel for the State, after going through the challan which has been presented, submits that the statement of Jaswinder Kaur clearly indicates the use of the words which would fall within the offending words, however, he could not dispute the fact that the statement of hers indicates that it was inside the house of the accused that such words were used by him.

Having considered the submissions made by the counsel for the parties and having gone through the contents of the FIR as also the statement of Jaswinder Kaur, it is apparent that the offending words, which are alleged to have been spoken by the petitioner, were inside the house of the petitioner and it has not come on record, in any manner, that the said words were uttered in any place within the public view as it is not even mentioned that there were people standing around where such words were spoken.

Keeping in view the above, the present revision petition is allowed. Charge only under Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is hereby set aside.

January 16, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No