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**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Misc. Petition No.354 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh.

---- **Petitioner****Versus**

- Lokendra Puri S/o Devpuri Goswami, R/o Post Office Chilphi, Police Station Lormi District Mungeli Chhattisgarh

---- **Respondent**-----  
For the Petitioner/State : Shri Ravish Verma, Govt. AdvocateFor the respondent : None  
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****14.3.2019.**

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 2146 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition is preferred against the judgment of acquittal dated 01.12.2012 passed by Sessions Judge, Bilaspur, Distt. Bilaspur (CG) in Special Session Trial No.14/2011 wherein the said Court acquitted the respondent for the charges under Sections 294, 506 Part-II and 324 of the Indian Penal Code, 1860

and under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. In the present case, complainant is Dharmendra Tandon but he has not been examined before the trial Court in spite of repeated opportunity provided by the trial Court. Sadhram (PW-2) and Baldau (PW-3) have been examined as prosecution witnesses who made general statement that the respondent used filthy language against the complainant but from their statement it is not clear as to what were the words uttered by the respondent.

6. From the evidence of the prosecution, it is not established that any obscene words were used by the respondent. The essence of the crime under Section 294 of the IPC consists in creating a public nuisance which because of its gravity being of a public nature may endanger public peace. In order to bring home the guilt of the accused for an offence under Section 294 of the IPC the prosecution has to establish that the words uttered were obscene. The test of obscenity is whether the tendency of the matter charges as obscenity is to be deprave and corrupt those whose minds are open to such immoral influences.

7. Filthy abuses are not uncommon. It had not more significance than mere platitudinous utterances signifying the enraged state of the persons' mind. The words which have no literal significance cannot fall in the purview of obscene words. From the evidence it is not established beyond doubt that any obscene words were uttered by the respondent, thus offence under Section 294 IPC is not established against the respondent.

8. From the statement of both prosecution witnesses it is not established that any threat was given to the victim. Again it is not established that the respondent assaulted the victim. It is also not established that anything is done on the basis of his caste. Evidence for establishing any of the charges is lacking. The trial Court has discussed the entire evidence and recorded a finding of acquittal. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case.

9. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

**Sd/-**  
**(Ram Prasanna Sharma)**  
**JUDGE**