

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 726 of 2019

State of Chhattisgarh, Through: Station House Officer, Police
Station AJK Janjgir, District - Janjgir-Champa (C.G.)

---- Petitioner

Versus

Gajanand Prasad Sahu, S/o - Antulal Sahu, Aged about - 26
years, R/o - Village Sarwani, Police Station Sakti, District -
Jajngir Champa (C.G.)

---- Respondent

For State/ Petitioner : Shri V. B. Singh, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

29/04/2019

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 19th December, 2018 passed by Special Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act 2015)], Janjgir-Champa (C.G.) in Special Sessions Case No. 34/2017, wherein the said court acquitted the respondent for commission of offence under Sections 3(1) (R)(S), 3(2) (5-A) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act, 2015.
3. The case of the prosecution is based on statement of Uttam Kumar Lahre (PW-1) and Devnarayan Patel (PW-2). From their statement it appears that construction of waiting room

was going on in the village Sarwani and respondent reached there and objected the construction that quality of the said construction is poor in nature, that is why some altercation took place between the respondent and complainant side.

4. It is not a case which is based on caste but it is based on construction of waiting room and therefore, the trial Court opined that charge on the basis of caste is not established. It is not established that respondent committed any offense against the property of Uttam Kumar Lahare (PW-1), he objected only the said construction which is not punishable under Section 3 (2) (5-A) of the Act Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act, 2015.
5. The trial Court after evaluating the entire evidence recorded finding of acquittal. If two views are possible, the view which is favourable to the respondent/accused should be accepted. It is not a case where interference of this Court is required with judgment of trial Court. It is not a case where respondent should be called for hearing full consideration of this petition.
6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge