

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.955 of 2019**

- State Of Chhattisgarh Through Police Chowki Dokda, Police Station Kansabel District- Jashpur, Chhattisgarh.

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

1. Aktariya Bano W/o Nasiruddin Aged About 50 Years R/o Village Hedkapa.
2. Intasa Bano S/o Nasiruddin Aged About 27 Years R/o Village Hedkapa, Chowki Dokada, Police Station Kansabel District- Jashpur, Chhattisgarh.

---- **Respondents**-----
For the Petitioner/State : Shri AN Bhakta, Dy. Advocate GeneralFor the respondents : None
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****13.5.2019.**

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 163 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 06.7.2018 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short 'the Act 1989'), Jashpur (CG) in Special Case (SC/ST) No.48/2014 wherein the said Court acquitted the respondents for the charge under Section 3(1)(x) of the Act, 1989. The

respondents were also charged under Section 294, 325 read with Section 34 of the Indian Penal Code but due to abatement of offence under Section 320 CrPC, the respondents have been acquitted for the said offence.

5. The only question for consideration before the trial Court was whether any offence was committed on the basis of caste to insult or intimidate the complainant namely Augustus Tigga. From the entire evidence, it is established that there was some conversation between Augustus and the respondents regarding distribution of rice, sugar and kerosene, because the same were distributed by the society conducted through Sarpanch and Secretary of the village.

6. From the evidence of Augustus itself it is not established that any act was committed on the basis of the caste. Therefore, any word used by the respondents is not used to insult him on the basis of his caste but the incident took place for distribution of essential commodities. After assessing the entire evidence, the trial Court recorded finding of acquittal. After reassessing the entire evidence, this court has no reason to record a contrary finding. It is not a case where the respondents should be called for full consideration of the matter.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE