

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1420 of 2019

State of Chhattisgarh through Police Station Bagicha, District Jashpur,
Chhattisgarh

---- Petitioner

versus

Ganesh Ram Chouhan, S/o Nadhiya Chouhan, aged about 35 years,
resident of Pirai, Police Station Bagicha, District Jashpur, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Anand Verma, Dy. Govt. Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.8.2019

1. Heard on I.A. No.1 for condonation of delay of 115 days in filing the instant Cr.M.P. On due consideration of the reasons mentioned in the I.A., it is allowed and delay is condoned.
2. Heard on admission. Also perused the impugned judgment, statements of witnesses and other documents available.
3. Vide impugned judgment dated 20.9.2018 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (henceforth 'the PoA Act'), Jashpur in Special Case No.1 of 2018, the Respondent/accused has been acquitted of the charges framed under Sections 451, 354, 323 and 506 of the Indian Penal Code and Section 3(1)(द)(घ) of the PoA Act.
4. In her Court statement, the prosecutrix (PW1), who is a married

woman, has stated that the Respondent came to her house. He caught her hands and twisted them. Thereafter, he caught her by her hair and made her stand up adjoining the wall. He abused her in the name of her caste and saying that since her coming she had taken away his livelihood, he asked her to go away in the morning, otherwise, he threatened her that he will get her family killed. The above statement of the prosecutrix itself shows that as alleged by her the Respondent did not catch her hands with an intent to outrage her modesty. It is also established that the Respondent asking her to go away in the morning, himself went away. Thus, the offences punishable under Sections 354 and 506 of the Indian Penal Code are not proved. As regards the offence punishable under Section 451 of the Indian Penal Code, the prosecutrix has admitted that the alleged incident took place in the verandah. Thus, the offence under Section 451 of the Indian Penal Code is also not proved. Since the prosecutrix has not stated anything about the words which were used by the Respondent while the alleged abusing in the name of her caste, the offence punishable under Section 3(1)(क)(घ) of the PoA Act is also not proved. During her cross-examination, the prosecutrix has also admitted that there was a previous enmity between her and the Respondent and she had also sworn in an affidavit regarding the Respondent stating therein that on account of the complaint of the Respondent she was transferred and, therefore, she annoyed and made the present report. Thus, from the above admissions of the prosecutrix, it is established that the entire incident is suspicious. I find that the Trial Court has rightly acquitted the Respondent of the charges framed against him.

5. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge