

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1576 of 2018**

State of Chhattisgarh, Through: Station House Officer, Police Station Saja, District- Bemetara, (C.G.)

---- **Petitioner**

Versus

1. Ganguram Sahu, S/o - Ankalu Sahu, Aged about - 32 years, R/o- Village Gahira Nawagaon, Police Station Saja, District- Bemetara, (C.G.)
2. Tikaram @ Tikam, S/o - Bhagirathi Sahu, Aged about – 32 years, R/o- Village Gahira Nawagaon, Police Station Saja, District- Bemetara, (C.G.)
3. Prabhuram, S/o - Ajuram Sahu, Aged about - 55 years R/o- Village Gahira Nawagaon, Police Station Saja, District- Bemetara, (C.G.)
4. Shivkumar, S/o Prabhuram Sahu, Aged about - 34 years R/o- Village Gahira Nawagaon, Police Station Saja, District- Bemetara, (C.G.)

---- **Respondents**

 For State/petitioner : Shri Ravish Verma, Govt. Advocate
 For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

01/04/2019

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 28 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.

4. This petition is preferred against the judgment dated 22nd March, 2018 passed by Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act 1989) Bemetara, (C.G.) in Special Session Case No. 11/2017 wherein the said Court acquitted the respondents for charge under Section 294 of IPC, 1860 and Section 3(1)(R) and 3(1)(S) of the Act, 1989/2015.
5. In the present case, Dharmu Das and Hem Das are the complainants. Dharmu Das deposed before the trial Court that he dug the land for standing pillar and fencing to which the respondents objected and, thereafter some scuffled took place between them. Version of this witness is supported by version of Santu @ Santosh Satnami (PW-2), Hem Das (PW-5) and Bitawan Bai (PW-6). Version of all the witnesses is general and bald in nature in no one stated the real words uttered by any of the respondents on the date of incident.
6. Filthy abuses are no uncommon. It has 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 appellant, when specific words uttered by any of the respondent is not clear the charge under Section 294 of IPC is not established.
7. On perusal of the entire evidence on record, it appears that the incident did not take place on the basis of caste. It happened only

because Dharmu Das dug the land for standing pillar and fencing in which the respondent used some filthy words. The trial Court convicted the respondents for charge under Section 323 of IPC, 1860 for assaulting Dharmu Das and Hem Das and the fact remains that when using of abusive word is not established and it is not established that incident took place on the basis of caste, the trial Court is right in holding that charges under Section 294 and other Section of Act 1989/2015 is not established.

8. The order of the trial Court is based on relevant material placed on record and not based on extraneous and irrelevant material. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge