

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1809 of 2018**

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

---- **Petitioner**

Versus

Shivprasad Soni, S/o Mahesh Prasad Soni, aged about 51 years, R/o Rajiv Vihar, Lingiyadih, Police Station- Sarkanda, District- Bilaspur (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Ravish Verma, Govt. Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

15/01/2019

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 29.05.2018 passed by Special Judge, [SC/ST(PA) Act, 1989] Bilaspur, District- Bilaspur (C.G.) in Special Criminal Case [SC/ST (PA) Act, 1989] No. 35/2017, wherein the said court acquitted the respondent for commission of offence under Section 3(1)(s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (amended 2015).
3. In the present case, name of the complainant is Lokendra Ahirwar. It is alleged that the complainant borrowed money from the respondent and when the respondent demanded his money, some altercation took place between both side in which certain words were used. The trial court has evaluated the evidence and

came to conclusion that it is not a case based on caste, but it is based on altercation which took place out of demand of repayment of money borrowed by the complainant. Finding recorded by the trial court is one of the plausible view and it is settled law that if two views are possible, the view which is favourable to the accused/respondent, should be accepted.

4. Again, the finding arrived at by the trial court is based on relevant material placed on record and the same is not based on irrelevant or extraneous material and this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
5. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge