

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2032 of 2019

State of Chhattisgarh Through - Police Station A J K, Janjgir,
District- Janjgir Champa (C.G.) **---- Petitioner**

Versus

1. Chhatram Sahu, S/o- Radhelal Sahu, Aged about- 37 years,
R/o- Village Rambhantha, Police Station Dabhra, District-
Janjgir Champa (C.G.)
2. Radhelal Sahu, S/o- Bhagatram, Aged about- 65 years, R/o-
Village Rambhantha, Police Station Dabhra, District- Janjgir
Champa (C.G.)
3. Bholaram Sahu, S/o- Radhelal Sahu, Aged about- 39 years,
R/o- Village Rambhantha, Police Station Dabhra, District-
Janjgir Champa (C.G.)

---- Respondents

For State/ Petitioner : Mr. Raghvendra Verma, Govt. Advocate
For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

14/10/2019

1. Heard on I.A. No. 01/2019, 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 94 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 judgment dated 13th February, 2019 passed by Special Judge (Atrocity), District-Janjgir Champa (C.G.) in Special Case No. 21/2018, wherein the said Court acquitted the respondents from the charges punishable under Sections 3 (1) (R-S) and 3 (2) (5) of the [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act 2015)].
5. In the present case, complainant is Fuldeep (PW-1) and as per his version he is Chauhan by caste and member of Scheduled caste, though he deposed before the trial Court that there was altercation and scuffle by the respondents but from his statement it is clear that no act is committed on the basis of caste. From the statements of Kuldeep (PW-2) and Sahas Bai (PW-3) it is also established that no act is committed on the basis of caste.
6. After assessing the entire evidence the trial Court recorded finding that no case is made out on the basis of caste, therefore, charges under Sections 3 (1) (R-S) and 3 (2) (5) of the [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act 2015)] is not made out.
7. After going through the records it is not a case where any interference of this Court is required. The trial court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondents is not established. After reassessing the same, 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.

8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

N.Mohle