

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2114 of 2019**

- State of Chhattisgarh, through- Police Station- Purani Bhilai,  
District- Durg (C.G.) **---- Petitioner**

**Versus**

- Pawan Pandey, S/o- R.B. Pandey, Aged about- 34 years, R/o-  
Bajrangpara, Bhilai-3, Police Station- Purani Bhilai, District- Durg  
(C.G.) **---- Respondent**

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For State/Petitioner : Shri Afroj Khan, Panel Lawyer.

For Respondent : None.

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**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order on Board****24/10/2019**

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 directed against the judgment dated 8<sup>th</sup> April, 2019 passed by Judicial Magistrate First Class, Bhilai-3, District- Durg (C.G.) in Criminal Case No. 1105/2011 wherein the said Court acquitted the respondent for charge under Sections 294, 506 Part-I, 323 and 324 of IPC, 1860.
3. The case of the prosecution is based on the statement of Rajkumar Tiwari (PW-1) and Rajesh Tiwari (PW-2). The question for consideration of this Court is whether the respondent uttered obscene words and enraged to complainant Rajkumar Tiwari (PW-1). Though complainant deposed that some abusive words used against him, but the fact remains whether those words come within purview of obscene words for commission of offence under Sections 294 of IPC, 1860. As the words in the present case are not abusive words, therefore, charge under Section 294 is not established.

4. From the evidence, it is not established that any threat was given to complainant and respondent was determined to execute threat on the spot. In absence of evidence of threat charge under Section 506 Part-I of IPC is also not established, though it is deposed by complainant that respondent caused injury to him by knife and he sustained injury near jaw. No medical expert was examined to corroborate the version of complainant that he found injury on the body of complainant. In absence of medical evidence charge levelled against the respondent is not established.
5. After re-assessing the entire evidence, 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.
6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

**Sd/-**  
**(Ram Prasanna Sharma)**  
Judge