

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2041 of 2018**

1. Mahendra Verma S/o Shyam Lal Verma Aged About 39 Years R/o Old Market Square, Shyam Mobile, Utai Chowk, Tahsil & District- Durg, Chhattisgarh.
 2. Birendra Sahu @ Dolu Sahu S/o Gopal Sahu Aged About 39 Years R/o Main Road, Bazaar Chowk, Nagar Panchayat, Ward No.06, Tahsil & District- Durg, Chhattisgarh.
 3. Mordhwarj Verma S/o Bisakaran Verma Aged About 40 Years R/o In-Front of Salanki Petrol Pump, Main Road, Verma Bore-Wells, Utai, Tahsil & Revenue District- Durg, Chhattisgarh.
 4. Gyan Prakash Sahu S/o Rajendra Prasad Sahu Aged About 30 Years R/o Gyan Spoken English, Bank Of India, Infront Of Main Road Utai, Verma Complex, Tahsil & District- Durg, Chhattisgarh.
 5. Kamlesh Verma S/o Bhojram Verma Aged About 45 Years R/o 210/H, Near Post Office Risali, Bhilai, Tahsil & District- Durg, Chhattisgarh.,
District : Durg, Chhattisgarh
- Petitioners**

Versus

1. State of Chhattisgarh through Station House Officer, Police Station- Utai, District- Durg, Chhattisgarh.
 2. Harprasad Gayakwad S/o Hemlal Gayakwad Aged About 35 Years R/o Village & Post- Dundera, Police Station- Utai, District- Durg, Chhattisgarh.
- Respondents**

For Petitioners	:	Mr. Ajay Thakre, Advocate
For Respondent No.1/State	:	Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16.01.2019**

1. The present petition is against the order dated 24.11.2017 passed by the Special Court Durg in Criminal Complaint Case No.21/2017 whereby cognizance has been taken by the Court below u/s 294, 506, 323 of IPC and section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that initially the incident is alleged to have taken place on 05.04.2015 and the complainant himself was guilty and the offence was committed by him by misbehaving in drunken condition, for which a report was made immediately after the incident and the police have investigated the incident wherein the witnesses who were further examined in a complaint case have not supported the incident. Subsequently again a complaint was filed wherein similar witnesses have stated otherwise, therefore, prima facie no case is made out against the petitioners.
3. A perusal of the order dated 24.11.2017 shows that the Court has taken cognizance on the basis of statements of witnesses Keshav Devangn, Samir Kumar, Sheetal Kumar, Aman Kumar Sahu and Soman Lal wherein they have stated that the complainant was abused in the name of caste and further he was beaten and threatened by the accused. Therefore, at this stage nothing exists before this Court so as to disbelieve the statements of above witnesses. It is for the petitioner to disprove the statements of the said witnesses during the course of trial. At this stage, the petition appears to be premature so as to invoke jurisdiction by this Court under section 482 of the Code of Criminal Procedure. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge