

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1753 of 2017**

- State of Chhattisgarh, through- Police Station- Patthalgaon, District- Jashpur (C.G.)

---- Petitioner

**Versus**

- Sadharam Raut @ Milan, S/o- Laxmiram Raut, Aged about- 20 years, Caste- Raut, R/o- Village- Chandarpur, Police Station- Patthalgaon, District- Jashpur (C.G.)

---- Respondent

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For State/Petitioner : Shri Raghvendra Verma, Govt. Advocate.

For Respondent : None.

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

**Order On Board**

**23/10/2019**

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 preferred against the judgment dated 29th March, 2017 passed by Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/2015 (for short, "the Act, 1989/2015") Jashpur (C.G.) in Special Case No. 18/16 wherein the said Court acquitted the respondent for charge under Sections 341, 323, 354 and 294 of IPC, 1860 and under Sections 3(1)(s) and 3(1)(w)(1) of Act, 1989/2015.
3. To substantiate the charge, the prosecution examined as many as 12 witnesses. Jag Narayan Chauhan (PW-1), prosecutrix (PW-3) are witnesses to the incident. The other witnesses are supportive in nature or they stated before the trial Court regarding investigation after registration of FIR.

4. From the evidence of Jag Narayan Chauhan (PW-1) and prosecutrix (PW-3) the only fact which is established is that the respondent was snatching the mobile-phone of prosecutrix which fell down and damaged. If the entire version of these witnesses is taken as it is, the same may be a mischief causing loss or damage which falls within Section 427 of IPC, 1860. No such charge was framed against the respondent. There is no evidence regarding wrong restraintment, voluntarily causing injury and using obscene words or causing or outraging her modesty. Again there is no act against her on the basis of caste. The trial Court after assessing the entire evidence recorded finding that charges levelled against the respondent are not established.
5. In view of the above, it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where respondent should be called 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