

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1360 of 2019

Sudama Ram Yadav S/o Panchram Yadav, Aged About 42 Years wrongly mentioned as 40 years, R/o Kartala, Ps Pali, Haal Mukam Jangal Side, Bankimongra, PS Bankimongra, District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station AJK Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Shrikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-11-2019

1. This revision petition has been filed being aggrieved by the order of the trial Court framing charges against the applicant.
2. It is submitted by learned counsel for the applicant that on perusal of the whole charge-sheet there is no substance found to frame charges under Sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, therefore, the charge framed under these provisions against the applicant is erroneous and not sustainable. Hence, it is prayed that the applicant be discharged from the above mentioned offences.
3. Learned State counsel opposes the submission so made in this respect.
4. On perusal of the certified copy of the charge-sheet filed, it is found that complainant – Tikaram Mankar, who is a member of Scheduled Caste has filed a written complaint that on the date of incident, the applicant used abusive words for him and then threatened and assaulted him with crowbar causing injuries to him. He has given similar statement under

Section 161 of the Cr.P.C. and the statements of other eyewitnesses of the incident are also identical. None of the witnesses have mentioned that the assault that was made upon the complainant in this case was for the reason that the complainant was a member of scheduled caste and also none of the witnesses have given statement that the petitioner/accused person had any intention to insult the complainant because of his social status. Hence, on perusal of the whole material and the charge-sheet, it is clear that there had been no substance for framing the charges under Sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, I feel inclined to allow this revision petition at motion stage.

5. Accordingly, this revision petition is allowed and the charges framed under Sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the applicant are set aside. However, trial against the applicant shall continue for the remaining charges against him.

Sd/-

(Rajendra Chandra Singh Samant)
Judge