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HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.471 of 2018**

1. Goverdhan Singh Dhruw S/o Late Kaliram Aged About 60 Years R/o Village Lalpur, Post Sukli, Police Station And Tashil Lormi District Mungeli Chhattisgarh.
2. Suresh Singh Dhruw S/o Late Kodha Singh Dhruw Aged About 56 Years R/o Village Lalpur, Post Sukli, Police Station And Tashil Lormi District Mungeli Chhattisgarh.
3. Iswari Singh Dhruw S/o Late Bisahu Ram Dhruw Aged About 41 Years R/o Village Lalpur. Post Sukli, Police Station And Tashil Lormi District Mungeli Chhattisgarh.

---- Appellants**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Lormi District Mungeli Chhattisgarh.
2. Kalyan Yadav S/o Mangal Aged About 44 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
3. Ramkumar S/o Jivanram Kashyap Aged About 48 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
4. Munna @ Shivkumar S/o Hagaru Aged About 50 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
5. Ramgopal S/o Kapilram Kashyap Aged About 28 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
6. Pradeep Kashyap S/o Kapilram Aged About 35 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
7. Ranu Kashyap S/o Ramakant Aged About 28 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
8. Tulsiram S/o Shiv Sahai Kashyap Aged About 60 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh
9. Rajkumar S/o Madan Lal Kashyap Aged About 40 Years R/o Village Lalpur Kala, Police Station Lormi District Mungeli Chhattisgarh

---- Respondents

For the appellants : Shri Nitesh Shriwas, Advocate
 For respondent No.1 : Shri Ravish Verma, Govt. Advocate
 For respondents 2 to 9 : None

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board**

26.4.2019.

1. This appeal is preferred against the judgment of acquittal dated 30.4.2018 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989/2015, Mungeli (CG) in Special Criminal Case No.14/2017 wherein the said Court acquitted respondents 2 to 9 for the charges under Sections 147, 294, 506 Part-II, 342 read with 149 of IPC and under Section 3(1)(r) and 3(1)(s) of the Act, 1989/2015 for commission of above said offence on 27.3.2017 at about 12.00 noon at village Lalpur Kala, Police Station Lormi, Distt. Mungeli (CG).

2. Admittedly one meeting was convened in Gram Panchayat on 27.3.2017 for discussion over supply of water, maintenance of road and sanitary work for village Lalpur Kala in which Surekha Kashyap (PW-1) Sarpanch of the village and other persons were present.

3. Surekha Kashyap (PW-1) deposed before the trial Court that the respondents locked the door and they also threatened to kill. Version of this witness is bald and general in nature. From her statement no overt act on the part of any of the respondents is established. It is not established as to who really closed the door and who really threatened at the time of the commission of offence. Charges under Sections 294 and 506 IPC is specific in nature. The person who used obscene words in public place is responsible for offence under Section 294 IPC and person who determined to execute the threat is responsible for offence under

Section 506 Part-II IPC. But from the entire evidence it is not clear as to what were the real words uttered by any of the respondents which may be termed as obscene words.

4. The essence of the crime under Section 294 of the IPC consists in creating a public nuisance which because of its gravity being of a public nature may endanger public peace. In order to bring home the guilt of the accused for an offence under Section 294 of the IPC the prosecution has to establish that the words uttered were obscene. The test of obscenity is whether the tendency of the matter charges as obscenity is to be deprave and corrupt those whose minds are open to such immoral influences.

5. Filthy abuses are not uncommon. It had not more significance than mere platitudinous utterances signifying the enraged state of the persons' mind. The words which have no literal significance cannot fall in the purview of obscene words. In the present case, when any words like obscene words were not established from the evidence of any of the witnesses, charges under Section 294 IPC is not established against the respondents.

6. So far as offence under Section 506 Part II is concerned, there is no evidence that any of the respondents was determined to execute the threat on the spot. Therefore, any word uttered by any of the respondents is mere fury which is without substance. The evidence is also shaky in nature, therefore, charges under Section 506 Part-II IPC is not established.

7. Meeting was convened by the Gram Panchayat, therefore, the persons gathered there were not found formed any unlawful assembly for any criminal act. The meeting was convened for on

the discussion of supply of water, maintenance of road and sanitary work, therefore, it was a meeting of general public meeting and it cannot be said that anyone gathered there to commit any offence. Therefore, charge under Section 147 IPC is not established. From the evidence there is no clear indication of the fact who closed the door therefore, charge under Section 342 IPC is not established. When the meeting was organised to solve the problems of the people of the locality, it cannot be considered as a meeting based on caste. Therefore, nothing was done by anyone on the basis of caste. Evidence regarding commission of offence is lacking. Therefore, charges under Section 3(1)(r) and 3(1)(s) is also not established.

8. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the entire evidence, this Court has no reason to record a contrary finding. Therefore, the finding arrived at by the trial Court is not liable to be interfered with.

9. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE