

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 1412 of 2019

- Mohandev Yadav S/o Shri Mantram Yadav Aged About 44 Years R/o Village Nehru Nagar, Jabbal Gali, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station A.J.K. Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Akhtar Hussain with Mr. Ram Sajiwan, Advocates.
For State/respondent	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-11-2019

Heard.

1. This petition has been brought being aggrieved by the orders framing charge dated 15.10.2019 of the Special Court, SC/ST (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has been charged with offences under Section 376 of I.P.C. and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989. It is submitted that according to whole material present in the charge-sheet, there is no substance present for framing of the charge under Section 3(2)(v) of SC/ST (Atrocities) Act. In the written complaint given by the prosecutrix, there is no mention of any insult by her caste name, which was given on 23.07.2019. However, on a later date, when her statement was recorded on 25.07.2019, the prosecutrix has developed and added that when she used to oppose the applicant, the applicant used to abuse her by her caste name and threatened her which does not amount to any insult on the basis of social status of the prosecutrix. Therefore, the charge framed under the provision of Atrocities Act is not maintainable.

3. It is not disputed that the prosecutrix is a member of Scheduled Tribe whereas the applicant is a member of O.B.C. Although the complaint given in the F.I.R. does not disclose the mention of insult by caste name, but it is mentioned in the statement of the prosecutrix that she was insulted by her caste name, by itself is a statement which cannot be ignored at the stage of framing charge. This statement is required to be rebutted and disproved and that shall be possible only by leading evidence in trial by the defence or by cross-examining the prosecution witnesses. Therefore, there is no need to interfere with the impugned order. Hence, the petition is dismissed.

4. Accordingly, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge