

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 216 of 2019

State of Chhattisgarh, Through Police Station- Charama,
District- Uttar Bastar Kanker (C.G.)

---- **Petitioner**

Versus

1. Akash Dewangan, S/o - Dhaneshwar Dewangan, Aged about - 21 Years, R/o - Bazarpara, Charama, Police Station- Charama, District- Uttar Bastar Kanker,(C.G.)
2. Dhaneshwar Dewangan, S/o - Joidharam Dewangan, Aged about - 52 years, R/o - Bazarpara, Charama, Police Station- Charama, District- Uttar Bastar Kanker, (C.G.)
3. Laxmi Dewangan, D/o - Dhaneshwar Dewangan, Aged about - 21 years, R/o - Bazarpara, Charama, Police Station- Charama, District- Uttar Bastar Kanker, (C.G.)

---- **Respondents**

For State/ Petitioner : Shri Afroj Khan, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/02/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in (1996) 3 **SCC 132**, the delay of 165 days in filing the petition is condoned.

3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 6th April, 2018 passed by Special Judge (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act 2015)), Kanker (C.G.) in Special Criminal (Atrocities) Case No. 56/2017, wherein the said court acquitted the respondent for commission of offence under Sections 452 of the IPC, 1860 & under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended 2015).
5. In the present case prosecutrix is (PW-1). Earlier charge under Section 294, 506 and 323 read with Section 34 of IPC were framed but all the charges were abated by the prosecutrix as per Section 320 of CrPC that is why the respondents were acquitted from said charges on account to abatement. The prosecutrix admitted before the trial court that she had not stated in her report that any of the respondents insulted her or intimidated her or used abusive language against her. From her version it is not clear as to which of the respondents really uttered any word of abuse or threat. The charges are specific in nature but no specific statement was made by the prosecutrix before the trial court for any particular respondents. Her statement is general and bald which is not sufficient to incriminate all the respondents.

6. After considering all the evidence the trial court recorded finding of acquittal. After assessing the evidence this court has no reason to record contrary finding.
7. It is not a case where respondents should be called for hearing again for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge