

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 90 of 2011

State of Chhattisgarh Through District Magistrate, District
A.J.K, Raigarh Chhattisgarh. **---- Appellant**

Versus

1. Manikdas & Others S/o Salkhadas Panika Aged About 58 Years Caste - Panika, R/o Nawagarh, Police Station Gharghoda, District -Raigarh Chhattisgarh.
2. Nanhidas S/o Hiradas Aged About 49 Years Caste - Panika, R/o Village Salhepali, Police Station Gharghoda, District Raigarh Chhattisgarh.
3. Smt. Pancho Bai W/o Manikdas Aged About 52 Years Caste - Panika, R/o Village Nawagarh, Police Station Gharghoda, District Raigarh Chhattisgarh. **---- Respondents**

For State petitioner : Mr. D.K. Tiwari, Dy.G.A.

For Respondent No.1 &2 : Mr. Shubham Thakur, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

06.02.2020

1. As per report of jail authority respondent No.1 Manikadas died on 8th of August, 2013 and respondent No.3 Pancho Bai died on 7th of April, 2011. The report regarding death of respondent No.1 & 3 is issued by Government of Chhattisgarh, Department of Finance, Planning, Economics and Statistics Directorate of Economics and Statistics which is not questionable.
2. Accordingly, appeal against respondent No.1 and 3 is finally abetted and this appeal is heard on merit against respondent No. 2- Nanhidas.
3. This appeal is preferred against the judgment dated 29.11.2010 passed by learned Special Judge, Raigarh (C.G.), in Special Case No. 62/2009 wherein the said Court has

acquitted the respondents for commission of offence under Sections 3(1)(5), 3(2)(5) & 3(1) (10) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "The Act, 1989") and Section 447 & 379 of Indian Penal Code, 1860.

4. In the present case, name of the complainant is Mohit Ram Kanwar. As per version of the prosecution, he has sown crop in his field which was removed by the respondent dishonestly that is why the matter was reported and investigated and respondents were acquitted after completion of trial.
5. Learned counsel for the appellant submits that the trial Court has not evaluated the evidence properly and evidence of prosecution side is rejected on fanciful ground which is not sustainable.
6. Learned counsel for respondent No. 2-Nanhidas submits that finding of the trial Court is based on proper marshaling of the evidence and same is not liable to be interfered with invoking jurisdiction of appeal.
7. In the present case, the disputed land survey No. 25/1 area 0.534 hectare situated at village Nawagarh, from the evidence, it is established that respondent was also in possession of the said land from the last 15 years and from the evidence of complainant Mohit Ram (PW-1) it is not established that as to which kind of crop was sown by him and there is no evidence in support of his submission therefore, It is not established that any crop was sown by the complainant.

The matter is related to land dispute and regarding cutting of crop and it is not associated with the caste of the appellant. Therefore, it is not a case which is based on caste. The Act of 1989 is available only when any act is committed on the basis of caste but that is not the case here. Therefore, provisions of the Act, 1989 is not applicable in the present case. It is also not established that complainant has sown the crop therefore, trial Court recorded finding that the parties should go to decided there title.

8. After going through the entire evidence, it is not a case where interference of this Court is required with judgment of the trial Court.
9. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge