

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2103 of 2019

The State of Chhattisgarh, Through - Station House Officer
Pandatarai, District Kabirdham Chhattisgarh. ---- **Petitioner**

Versus

Rajendra Sahu S/o Mandu Sahu Aged About 35 Years R/o Village
Khandsara, Police Station Pandatarai, District Kabirdham
Chhattisgarh. ---- **Respondent**

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

12.03.2020

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 05 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 08.05.2019 passed by Special Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act 2015)], Kabirdham (C.G.) in Special SC/ST Criminal Case No. 25/2017, wherein the said court has acquitted the respondent

for commission of offence under Sections 506 Part-II 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 name of the complainant is Prakash Dhruve (PW-1). As per version of this witness, the respondent was selling bamboo stick without permission of the Gram Panchayat that is why husband of Gram Sarpanch/complainant objected thereafter, the respondent abused him. Duryojan Yadav (PW-2) deposed on same line.
6. From the entire evidence, it is clear that incident took place because respondent was selling bamboo stick which was objected by the complainant. Nothing was happened on the basis of caste, if respondent would not have been sold bamboo stick the incident would not have been taken place. Therefore, it is not a case where the respondent did anything on the basis of caste to humiliate the said complainant Prakash Dhurwe. The complainant also deposed before the trial Court that the respondent threatened him to kill but from the evidence it is not clear that respondent was determined to execute his threat.
7. For establishing offence under Section 506 of IPC, it has to be established that the respondent was determined to execute his threat. From statement of witnesses, the only thing which is established is that the certain words were uttered at the time to incident. Mere uttering of words is not sufficient to

bring home the guilt, unless the same is uttered with instant execution of threat, but that is not the case here. In absence of determination to execute the threat, the words uttered by respondent are mere fury which have sound, but no substance, therefore, the charge under Section 506 of IPC is also not established.

8. View taken by the trial court is one of the plausible view for which the trial court has elaborately discussed the entire evidence and after going through the record, this Court has no reason to record contrary finding. It is not a case where the respondents should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge