

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2123 of 2019

State of Chhattisgarh Through Its Station House Officer, Police
Station Saragaon, District Janjgir Champa Chhattisgarh.

---- **Petitioner**

Versus

Ramesh Dewangan S/o Panchram Dewangan Aged About 32 Years
R/o Village Choriya, Police Station Saragaon, District Janjgir
Champa Chhattisgarh.

---- **Respondent**

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

09.03.2020

1. Heard on I.A. No.1/2019, which is an application for condonation of delay in filing the instant 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 106 days in filing the petition is condoned.
3. This petition is preferred against the judgment dated 14.02.2019 passed by learned Special Judge(SC/ST Act), Janjgir-Champa (C.G.) in Special Case No. 26/2018 wherein the said Court has acquitted the respondent for commission of offence under Sections 294, 506 Part-II, 323 of Indian Penal Code, 1860 and under Section 3(2)(5)(A) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act, 1989.
4. In the present case, name of the complainant is Manoj Kumar (PW-1). As per prosecution on 15.07.2018 at about 8:30 p.m. at near Thela Mandi Chowk, village Choriya, the accused respondent had abused the complainant Manoj Kumar in filthy

language and had also threatened him to kill specially with regard to his caste. Thereafter, matter was reported, investigated and accused/respondent was acquitted after completion of trial.

5. The complainant Manoj Kumar (PW-1) did not depose regarding any obscene word uttered by the respondent or any threat given to him by the respondent. This witness has also not deposed regarding any simple injury caused by the respondent. This witness further did not depose that anything happened against him on the basis of caste. The trial Court after evaluating the entire evidence recorded finding that charge leveled against the respondent is not established. After going through the records it is not a case where interference of this Court is required with the judgment of the trial Court. It is also not a case where respondent should be called for hearing again for full consideration of this petition.
6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge