

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1441 of 2019

Sheetal Yadav @ Ramu Yadav S/o. Nilamber Yadav Aged About 39 Years R/o. Pailpara, Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Shri R. Pradhan and Shri Shikhar Sharma, Advocates.
For Respondent/ State	: Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2020

Heard.

1. This revision petition has been brought challenging the order dated 29.10.2019 in Special Criminal Case No. 48 of 2019, framing charge against the applicant under Sections 186 and 294 of the IPC and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted by counsel for the applicant that the applicant is pressing the charge framed against him only under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. As the incident in this case has taken place on 12.5.2019 and after the delay of about 8 days, the complainant filed a written complaint in the police station on 20.5.2019. In the written complaint, the complainant did not disclose that he was insulted by the applicant on the basis of his

caste status. Subsequent to that, further development has been made in the statement given by the complainant and witnesses under Section 161 of the Cr.P.C., therefore, it shows that it is a concocted case. Hence, the applicant is entitled for discharge from the charge under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned State counsel opposes the submissions made in this respect. It is submitted that there is *prima facie* material for framing charge against the applicant under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, therefore, the revision be dismissed.
4. Heard counsel for both the parties and perused the documents present on record.
5. On perusing the document filed alongwith the petition, it is found that there is gradual development in the statement given by the complainant but even then, as there is a statement present in this case against the applicant that he has insulted the complainant by mentioning his caste status and that cannot be discarded at the stage of framing charge. There are circumstances that the trial Court after considering on them, can come to a conclusion, whether to believe the statement of the complainant or not. Therefore, I do not find any reason to interfere in the impugned order.
6. Accordingly, this revision petition is disposed off. The grounds raised in this petition can be raised by the applicant in his defence before the trial Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge