

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 193 of 2019**

- State of Chhattisgarh, through Station House Officer, Police Station- Ajk Bilaspur, District- Bilaspur (C.G.)

---- Petitioner**Versus**

1. Devicharan Singh S/o Shiv Lal Kushwaha, Aged about 46 years,
2. Bajrang Kushwaha, S/o Shiv Lal Kushwaha, Aged about 37 years,
3. Pawan Kushwaha S/o Shiv Lal Kushwaha, Aged about- 34 years,
4. Ramchandra Kushwaha S/o Shiv Lal Kushwaha Aged about 30 years,

All respondents are R/o Nariyal Kothi Dayalband, P.S.- Kotwali, Bilaspur (C.G.)

---- Respondents

For State/Petitioner : Shri Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board**13/01/2020**

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 46 days in filing the instant 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 the judgment dated 17th July, 2018 passed by Special Judge {Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/2015}, Bilaspur, District- Bilaspur (C.G.) in Special Criminal Case No.

41/2017 wherein the said Court acquitted all the respondents for charge under Section 3(1)(s) of the Act, 1989/2015.

5. Earlier the respondents were charge-sheeted for offence under Sections 294, 323 and 506 Part-II of Indian Penal Code, 1860, but offence was compounded by the complainant namely Jitendra Pratap Singh so they have been acquitted from the said charges.
6. For charge under Section 3(1)(s) of the Act, 1989 Jitendra Gadewal (PW-4), Rupesh Kesharwani (PW-5), Love Keshari (PW-6) and Ajay Yadav (PW-7) have been examined before the trial Court, but no one deposed before the trial Court that any of the respondent was used caste name against the complainant in any place. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After re-assessing the entire evidence, this Court has no reason to take a contrary view, it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where the respondents should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge