

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 90 of 2020

State of Chhattisgarh Through Its Station House Officer, Police
Station Patna, District Korea Chhattisgarh. ---- **Petitioner**

Versus

Ghanaram Sahu S/o Late Bajit Ram Sahu Aged About 61 years R/o
Village Katkona, Colliery, Police Station Patna District Korea
Chhattisgarh. ---- **Respondent**

For State/petitioner : Mr. Aman Kesharwani, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

05.03.2020

1. Heard on I.A. No.1/2020, 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 211 days in filing the petition is condoned.
3. Heard on application for grant of leave to appeal filed under Section 378(3) of Cr.P.C.
4. This petition is preferred against the judgment dated 18.02.2019 passed by learned Special Judge, Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act, 2019, Korea (C.G.) in Special Criminal Case No.28/2017 wherein the said Court has acquitted the respondent for commission of offence under Sections 294, 506 Part-II of Indian Penal Code, 1860 & Section 3(1)(S) of the SC/ST Act, 1989.
5. In the present case, the complainant is Sundar Lal (PW-4). As per version of this witness the respondent had borrowed sum

of Rs.1,000/- from the complainant that is why he demanded the money back on the date of incident i.e. 20th of December, 2016 thereafter, some words were uttered by the respondent. From the evidence of complainant, it is clear that there was dispute between them regarding borrowing of money and this incident did not happen on the basis of caste. It is a case of money transaction between both sides. Again, filthy abuses are not equivalent to obscene words.

6. For establishing charge under Section 294 of IPC, the essence of the crime under Section 294 of IPC consists in creating a public nuisance which because of its gravity being of a public nature may endanger public peace. In order to bring home the guilt of the accused for an offence under Section 294 of IPC, the prosecution has to establish that the words uttered were obscene. The test of obscenity is whether the tendency of the matter charges as obscenity is depraved and corrupt those whose minds are open to such immoral influences. Filthy abuses are not uncommon. It had no more significance than mere platitudinous utterances signifying the enraged state of the person's mind. In the case on hand, the words uttered by respondent is not clear, therefore, the words have no literal significance and it cannot fall in the purview of obscene words. From evidence, it is not established that the offence under Section 294 of IPC is made out.
7. For commission of offence under Section 506 Part-II, it has to be established that person giving threat was determined to execute his threat. Mere words are not sufficient to establish the charge. In the present case there is nothing on record that

anything is done in furtherance of threat therefore, words uttered by the respondents is mere fury which have sound but no substance therefore, charge under Section 506 Part-II is also not established.

8. 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.
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