

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.83 of 2020**

Ashok Kumar Shrivastava S/o Shri S.B. Shrivastava, Aged About 40 Years
 R/o Amraiyyapara, Chowki Manikpur, District Korba
 Chhattisgarh.....Complainant, District : Korba, Chhattisgarh

---- Appellant**Versus**

1. Sanjeev Ray S/o Sakaldeep Ray, Aged About 47 Years R/o Amraiyyapara, Chowki Manikpur, District Korba Chhattisgarh.....Accused Person
2. Sanjay Ray S/o Sakaldeep Ray, Aged About 41 Years R/o Amraiyyapara, Chowki Manikpur, District Korba Chhattisgarh.....Accused Person, D
3. State Of Chhattisgarh Through Station House Officer, Police Station (Chowki Manikpur), Kotwali, District Korba Chhattisgarh.

-----Respondents

For Petitioner: Shri Ashutosh Shukla, Advocate.
 For State/Respondent No.3: Shri Wasim Miyan, Panel Lawyer.

Single Bench:Hon'ble Shri Deepak Kumar Tiwari J
Order On Board

07.12.2021

1. The present Appellant is aggrieved by the judgment of acquittal dated 04.11.2019 passed by the Judicial Magistrate, First Class, Korba in Criminal Case No.1361/2017, whereby the Respondents/accused persons have been acquitted from the offence punishable under Sections 294 and 506 Part-2 IPC and has only been convicted for the offence punishable under Section 323/34 IPC.

2. Learned Counsel for the Appellant submits that the trial Court has erred in acquitting the Respondents/accused from the offence punishable under Sections 294 and 506 Part-2 IPC and submits further that the

findings recorded by the trial Court are bad in law and therefore, the same may be modified.

3. The trial Court, in the impugned judgment, has properly discussed the evidence in paras-8 to 10 for the offence punishable under Section 294 IPC and in para-11 of the judgment for the offence punishable under Section 506 Part-2 IPC and has rightly come to the conclusion that the prosecution has failed to prove its case.

4. Ashok Kumar Shrivastava (PW-1) has not stated anything about the Respondents/accused causing criminal intimidation by threatening his life and in the FIR (Ex.P-1) also, there were no specific words mentioning the filthy language used by them. It only mentions that the Respondents/accused abused him in the name of mother and sister during quarrel, therefore, the trial Court has rightly come to the conclusion that no sufficient evidence was found for the charges punishable under Sections 294 and 506 Part-2 IPC. As there are many material contradictions and omissions in the case, acquittal on such charges is not perverse.

5. In view of above, the instant Appeal, being devoid of merits, is liable to be and is hereby dismissed at the motion stage.

Sd/-

(Deepak Kumar Tiwari)
JUDGE