

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 287 of 2014

Judgment Reserved on : 21/10/2021

Judgment Delivered on : 12/11/2021

1. Rajendra Singh Chouhan S/o G.S. Chouhan, Aged About 60 Years, R/o D-52, Vasant Vihar, Seepat Road, Bilaspur, PS Sarkanda, Civil And Rev. District Bilaspur (C.G.).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The SHO, Harijan Kalyan Thana, Bilaspur (C.G.).
2. Laxmi Prasad Banjare S/o Shyamlal Banjare, Aged About 56 Years,
3. Shyamlal Banjare S/o Mannu Singh Banjare, Aged About 59 Years,

Respondents No. 2 & 3 above both are R/o A-113, Vasant Vihar, Seepat Road, Bilaspur, PS Sarkanda, Bilaspur, District Bilaspur (C.G.).

---- Respondents

For Petitioner	: Mr. H.B. Agrawal, Senior Counsel with Mr. Sudhir Bajapi, Advocate.
For Respondent No. 1/State	: Mr. Chitendra Singh and Ms. Deepti Shukla, Panel Lawyer.
For Respondent No. 2 & 3	: Mr. Roshan Dubey, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

CAV ORDER

- 1) This criminal revision is filed under Section 397/401 of Code of Criminal Procedure, 1973 challenging the order dated 25/02/2014 passed by Special Judge (Atrocity) Bilaspur, District Bilaspur (C.G.) in Special Session Case No. 08/2014 framing charge under Sections 294 & 506 of Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the petitioner.
- 2) As per the prosecution case, on 25/11/2013 at about 05:30 PM,

the petitioner filthily abused respondent No. 2 Laxmi Prasad Banjare, who is a member of scheduled caste in the name of mother & caste, at a public place near SECL Office, Bilaspur which caused annoyance to him as well as the persons hearing the same and also threatened him of life. After filing of charge sheets the Trial Court framed charges under Sections 294 & 506 of Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the impugned order which is under challenge.

- 3) Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the date of incident Laxmi Prasad Banjare and his father Shyamlal Banjare who is a Peon in SECL alongwith some other persons entered the chamber of the petitioner and raised quarrel over payment of certain bills pertaining to construction of road and drainage in the village. The petitioner did not utter any abusive word in the name of caste of the victim nor threatened him of life. Further it is submitted that even in the written complaint made by the victim to Superintendent of Police no such abusive words are mentioned therein which could constitute the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, the entire criminal proceedings are liable to be set aside and the petitioner be discharged of the charges framed against him. Reliance has been placed on the decisions in the matter of **Gorige Pentaiah Vs. State of A.P. & Others (2008) AIR SCW 6901, Asmathunnisa V. State of A.P. (2011) CRI. L.J. 2594 and Hitesh Verma Vs. State of Uttrakhand & Another, AIR (2020) SC 5584.**
- 4) On the other hand learned counsel for the State supports the impugned judgment and submits that the Trial Court considering the statements of the witnesses and material collected by the Investigating Agency has rightly framed charges under Sections 294 & 506 of Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act against the petitioner which requires no interference by this Court.

- 5) Heard counsel for the parties.
- 6) From perusal of the written complaint made by the complainant/ victim Laxmi Prasad Banjare and the spot map prepared during investigation, it is seen that the entire incident took place in SECL Office, which is a public place and within the public view as at the time of incident number of persons were present there. Complainant Laxmi Prasad Banjare, Shyamlal Banjare, Ramdev Sahu, Sapan Singh, Sheetal Kumar Lashe have stated in their statements under Section 161 of Cr.P.C. that the petitioner used filthy language in the name of mother and caste of the complainant as well as also caused threat of life to the complainant. Alongwith charge sheet, caste certificate of the complainant was also submitted which shows that the complainant is a member of scheduled caste community.
- 7) Thus considering the averments in the written complaint made by the complainant coupled with the statements of the complainant and the independent witnesses, the basic ingredients of the offence under Section 294 & 506 of Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, this Court is of the opinion that there is no illegality or perversity in the impugned order framing charge under the aforesaid sections against the petitioner. The judgments relied upon by the counsel for the petitioner being distinguishable on facts are of no help to him.
- 8) In the result, the revision petition being without any substance is liable to be dismissed and is accordingly **dismissed**.

-Sd/-
(Gautam Chourdiya)
Judge