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HIGH COURT OF CHHATTISGARH AT BILASPUR

THE DATE WHEN THE CASE IS RESERVED	THE DATE WHEN THE JUDGMENT IS PRONOUNCED	THE DATE WHEN THE JUDGMENT IS UPLOADED ON THE WEBSITE	
		Operative	**Full**
14.10.2026	27.10.2026	****	27.10.2026

CRA No. 569 of 2025

- Vinod Kumar Markam, S/o Ramu Ram Markam, aged about 29 Years, R/o Village- Biranpur, P.S.- Narharpur, District- Uttar Bastar Kanker, Chhattisgarh. **...Appellant**

versus

1. State of Chhattisgarh, Throguh - Station House Officer, P.S.- Narharpur, District- Uttar Bastar Kanker, Chhattisgarh.
2. Ajay Kumar Sharma, S/o Vashisht Sharma, aged about 56 Years, Sub-Inspector Excise, R/o Govindpur, Police Station Kanker, Presently Posted At District Excise Office, District- Dantewada, Chhattisgarh.
3. Umesh Kumar Sahu, S/o Gaindlal, aged about 30 Years, R/o Village-Biranpur, P.S.- Narharpur, District- Uttar Bastar Kanker, Chhattisgarh

... Respondents

For Appellant	:	Mr. Rajkumar Pali, Advocate.
For Respondent No.1/State	:	Mr. Vikhyat Arora, Panel Lawyer.
For Respondent No.2	:	Mr. T.K. Jha, Senior Advocate assisted by Mr. Parth Kumar Jha, Advocate.
For Respondent No.3	:	Mr. Sunil Sahu, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

C A V Judgment

1. This appeal has been preferred by the appellant under Section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (for short, ‘the SC/ST Act’), challenging the order dated 19.12.2024 passed by the learned Special Judge, North Bastar, Kanker, C.G., whereby respondent No.2–Ajay Kumar Sharma was discharged from the alleged offences punishable under Sections 419, 468, 469, 471 and 500 of the Indian Penal Code (for short, ‘the IPC’) and Section 3(2)(v) of the SC/ST Act, whereas respondent No.3–Umesh Kumar Sahu was discharged from the offence under Section 3(2)(v) of the SC/ST Act, and the matter relating to the alleged offences under the IPC was forwarded to the Court of the learned Chief Judicial Magistrate, North Bastar, Kanker, C.G., for further proceedings in accordance with law.

2. Case of the appellant is that he belongs to the *Gond* Scheduled Tribe. Respondent No.2–Ajay Kumar Sharma was working as an Excise Sub-Inspector, whereas respondent No.3–Umesh Kumar Sahu was working as a Supervisor at the Government Foreign Liquor Shop, Narharpur. It is alleged that respondent No.3–Umesh Kumar Sahu obtained the Aadhaar Card, caste certificate, residence certificate and educational documents of the appellant on the pretext of providing him employment as a guard at the said liquor shop. According to the appellant, on 01.09.2022, respondent No.2–Ajay Kumar Sharma inspected the liquor shop and found that a quarter of Goa Special Whisky, having a prescribed price of Rs.120/-, was being sold for Rs.130/-. The person present at the counter disclosed his name as Vinod Markam (appellant herein). The attendance register of the shop also contained the name and signatures attributed to the appellant. Appellant alleged that he had never worked at the said shop and that his name and signatures had been falsely entered in the attendance register. He further alleged that

a newspaper report published on 11.09.2022 damaged his reputation. After submitting complaints before the concerned authorities, the appellant filed a complaint before the competent Court.

3. The learned Special Judge, after considering the complaint and the documents placed on record, found no sufficient ground to proceed against respondent No.2–Ajay Kumar Sharma for the alleged offences. However, the learned Special Judge found sufficient grounds to proceed against respondent No.3–Umesh Kumar Sahu under Sections 419, 468, 469, 471 and 500 of the IPC and forwarded the matter to the Court of the learned Chief Judicial Magistrate, North Bastar, Kanker, C.G., for further proceedings in accordance with law. Respondent No.3 was, however, discharged from the offence under Section 3(2)(v) of the SC/ST Act. Aggrieved by the said order, the appellant has preferred the present appeal.

4. Learned counsel for the appellant submits that the learned Special Judge has not properly appreciated the material available on record. It is argued that respondent No.3–Umesh Kumar Sahu obtained the appellant's personal documents on the pretext of providing him employment and subsequently misused them by entering the appellant's name and signatures in the attendance register of the said shop. It is further submitted that respondent No.2–Ajay Kumar Sharma wrongly showed the appellant as the person involved in the incident of selling liquor at a higher price, thereby damaging his reputation. Learned counsel, therefore, prays that the impugned order be set aside and appropriate action be taken against respondent Nos.2 and 3 in accordance with law.

5. Learned Senior Counsel for respondent No.2- Ajay Kumar Sahu opposes the appeal and submits that the learned Special Judge has rightly passed the impugned order after considering the material available on record. It is argued that no sufficient ground was found to proceed against respondent No.2 for the alleged offences. Therefore, learned counsel prays that the appeal be dismissed.

6. Learned counsel for respondent No.3- Umesh Kumar Sahu submits that the learned Special Judge has rightly discharged respondent No.3 from the offence under Section 3(2)(v) of the SC/ST Act. It is further submitted that the material available on record does not disclose sufficient grounds to proceed against respondent No.3 for the alleged offences punishable under Sections 419, 468, 469, 471 and 500 of IPC. Learned counsel, therefore, prays that the impugned order be set aside to the extent it directs respondent No.3 to face trial for the aforesaid offences under IPC and that he be discharged from the said offences as well.

7. Learned counsel for the State/respondent has duly assisted the Court.

8. I have heard learned counsel for the parties and perused the material available on record, including the impugned order passed by the learned Special Judge.

9. The main allegation against respondent No.2–Ajay Kumar Sharma is that he falsely implicated the appellant in the incident of selling liquor at a price higher than the prescribed rate, thereby damaging his reputation. However, from the material available on record, it appears that respondent No.2 inspected the Government Foreign Liquor Shop, Narharpur, on 01.09.2022 in the discharge of his official duties. As

stated in the departmental inquiry report (Ex.P-3), a quarter of Goa Special Whisky, having a prescribed price of Rs.120/-, was sold for Rs.130/-. The person present at the counter disclosed his name as Vinod Markam (appellant herein). The attendance register (Ex.P-4) was also examined, wherein the appellant's name and signatures were recorded for the relevant period. The inquiry report also refers to the statements of the liquor shop employees, namely, Dharmendra Kumar Netam, Bharat Vishwakarma and Ramesh Kumar Sinha, who stated that the appellant was not working at the said shop. This material may give rise to an allegation that the appellant's identity was misused and that false entries were made in the attendance register in his name. However, there is no specific material on record to show that respondent No.2- Ajay Kumar Sharma had obtained the appellant's personal documents, willfully made the alleged false entries in the attendance register or knowingly used any forged document to implicate him.

10. Similarly, the mere publication of a newspaper report regarding the incident is not sufficient, by itself, to establish that respondent No.2- Ajay Kumar Sharma deliberately caused its publication with the intention of defaming the appellant. The material available on record does not *prima facie* show that respondent No.2 knowingly and deliberately implicated the appellant or participated in the alleged forgery. The learned Special Judge, after considering the circumstances in which the inspection was conducted, found no sufficient ground to proceed against respondent No.2- Ajay Kumar Sharma for the alleged offences punishable under Sections 419, 468, 469, 471 and 500 of IPC. This

Court finds no apparent illegality or perversity in the said finding warranting interference.

11. So far as respondent No.3–Umesh Kumar Sahu is concerned, the allegations and the material available on record stand on a different footing. Appellant has alleged that respondent No.3- Umesh Kumar Sahu obtained his Aadhaar Card, caste certificate, residence certificate and educational documents on the pretext of arranging employment for him as a guard at the liquor shop. It is further alleged that, although no appointment letter was issued to the appellant and he had never worked at the said shop, but his name and signatures were entered in the attendance register.

12. In support of these allegations, the appellant relied upon the departmental inquiry report (Ex.P-3), the attendance register (Ex.P-4), the complaints submitted before the concerned authorities and other documents forming part of the record. After considering the complaint and the material placed on record, the learned Special Judge found sufficient grounds to proceed against respondent No.3–Umesh Kumar Sahu for the alleged offences punishable under Sections 419, 468, 469, 471 and 500 of the IPC and forwarded the matter to the Court of the learned Chief Judicial Magistrate, North Bastar, Kanker, for further proceedings in accordance with law.

13. Thus, the allegations regarding the alleged misuse of the appellant's identity and the preparation or use of documents in his name require examination during trial. This Court finds no apparent illegality or perversity in the order passed by the learned Special Judge directing respondent No.3- Umesh Kumar Sahu to face trial for the aforesaid

offences. The truthfulness of these allegations and the involvement of respondent No.3- Umesh Kumar Sahu shall be determined by the competent Court on the basis of the evidence produced during trial. Therefore, no final opinion on the merits of these allegations is expressed at this stage.

14. So far as the offence under Section 3(2)(v) of the SC/ST Act is concerned, the mere fact that the appellant belongs to a Scheduled Tribe is not sufficient to attract the said provision. The essential ingredients of the offence must also be satisfied. In the present case, the allegations relate to the alleged misuse of the appellant's personal documents, entry of his name and signatures in the attendance register and his alleged false implication in the incident of selling liquor at a higher price. However, the material available on record does not disclose sufficient grounds to show that the alleged acts were committed against the appellant on the ground that he belonged to a Scheduled Tribe. Therefore, the learned Special Judge was justified in finding no sufficient ground to proceed against respondent No.2- Ajay Kumar Sharma and respondent No.3- Umesh Kumar Sahu under Section 3(2)(v) of the SC/ST Act. This Court also finds no ground to interfere with the impugned order on this count.

15. Upon consideration of the material available on record and the reasons assigned by the learned Special Judge, this Court finds no illegality, perversity or material irregularity in the impugned order dated 19.12.2024 warranting interference in the present appeal.

16. Consequently, the appeal, being devoid of merit, is dismissed.

17. It is made clear that the observations made in this judgment are confined to the decision of the present appeal and shall not affect the independent consideration of the evidence and merits of the proceedings pending against respondent No.3- Umesh Kumar Sahu before the learned Chief Judicial Magistrate, North Bastar, Kanker, C.G. The said Court shall decide the matter in accordance with law and on the basis of the evidence brought on record, without being influenced by any observations made herein.

18. A copy of this judgment be sent to the concerned Court for information and necessary action.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Khan