IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 332 of 2015
Reserved on: 29.10.2026
Date of Decision: 19.11.2026

State of H.P. ....Appellant

Versus

Krishan Chand & Ors. ....Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting? No.

For the Appellant/State	:	Mr P.K. Nadda, Additional Advocate General.
For the Respondents	:	Proceedings against Respondent No. 1 stand abated. Mr Harish Sharma, Advocate, for Respondents No. 2 to 7.

Rakesh Kainthla, Judge.

The present appeal is directed against the judgment dated 30.08.2014 passed by the learned Special Judge, Shimla (learned trial Court), vide which the respondents (accused before learned trial Court) were acquitted of the commission of offences punishable under Sections 323 and 147 of the Indian

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Penal Code (IPC) and Sections 3(i)(ii) and (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (SC& ST Act). (*The parties shall hereinafter be referred to in the same manner as they were arrayed before the Learned Trial Court for convenience*).

2. Briefly stated, the facts giving rise to the present appeal are that the police presented a challan before the Learned Trial Court against the accused for the commission of offences punishable under Sections 147 and 323 of the IPC and Sections 3(1)(ii) and (x) of the SC & ST Act. It was asserted that the informant, Chander Shekhar (PW1), is a member of the Scheduled Caste. He found that garbage was thrown outside his gate on the road on 5th August, 2011. Leelawati (PW4) and Nirmala Devi (PW2) informed Krishan Chand (accused) about the garbage. Other accused Lalit, Raju, and Baldev came to the spot. They abused Leelawati and Nirmala Devi. Manju, Jaya, and the wife of Baldev also joined. Baldev and Lalit dragged Nirmala Devi towards their house. Lalit, Raju, and Baldev inflicted injuries on Nirmala Devi. They abused the informant party in the name of their caste. Lalit, Raju, and Baldev used to say that they would kill Kolis. The accused did not allow the informant party

to work on their land. The matter was reported to the police, and an entry (Ext. PW6/A) was recorded in the daily diary. HC Anil Kumar (PW11) went to the spot for verification. Chander Shekhar filed an application (Ext. PW11/A), which was sent to the police station where FIR (Ext. PW11/C) was registered. HC Anil Kumar filed an application (Ext. PW5/E) for conducting the medical examination of the injured. Dr Parveen S. Bhatia (PW5) examined Nirmala Devi and found that she had sustained simple injuries which could have been caused within 12 hours of examination by some blunt object. He issued the MLC (Ext. PW5/A). He also examined Leelawati and found that she had sustained multiple injuries. He advised X-ray, but no fracture was detected; hence, the nature of the injury was stated to be simple, which could have been caused by some blunt object. He issued the MLC (Ext. PW5/B). Veena Bharti (PW12) investigated the matter. She visited the spot and prepared the site plan (Ext. PW12/B). She obtained the caste certificates of Chander Shekhar, Krishan Chand, Baldev, Raj Kumar and Lalit (Ext. PW7/A to Ext. PW7/E). She took the photographs (Ext. PW12/C1 to Ext. PW12/C2). She recorded the statements of witnesses as per their versions. After the completion of the investigation, the challan

was prepared and presented before the Learned Chief Judicial Magistrate, Shimla, who committed it to the Learned Special Judge for trial.

3. The Learned Special Judge charged the accused with the commission of offences punishable under Sections 147 and 323 of the IPC, Sections 3(1)(ii) and 3(1)(x) of the SC & ST Act, to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined 13 witnesses to prove its case. Informant Chander Shekhar (PW1), victim Nirmala Devi (PW2), and Leelawati (PW4) narrated the incident. Lekh Ram (PW3) and Dharmender Kumar (PW8) are the eyewitnesses. Dr Parveen Bhatia (PW5) medically examined the injured. HHC Balwant Singh (PW6) proved the entry in the daily diary. Prem Singh Kanungo (PW7) prepared the caste certificates. Satyavrat, Patwari (PW9) was present during the demarcation. ASI Kundan Lal (PW10) recorded the statements of Amar Singh and Satyavrat Patwari. HC Anil Kumar (PW11) went to the spot for verification of the information. Veena Bharti (PW12) investigated the matter. Amar Singh (PW13) conducted the demarcation on the spot.

5. The accused, in their statements recorded under Section 313 of the Code of Criminal Procedure (CrPC), admitted that Lekh Ram, Chander Shekhar, and Dharmender Kumar reside in village Arlot along with their families adjacent to the house of the accused. They admitted that Nirmala Devi was sweeping her house on 5.08.2011. They denied the rest of the prosecution version. They stated that the land belonged to them; the witnesses deposed falsely, and they were falsely implicated in the present case. They did not produce any evidence in their defence.

6. Learned Trial Court held that mere use of the caste name by the accused is not sufficient to convict them of the commission of an offence punishable under the SC&ST Act. The Act requires that the accused should have been insulted in the name of their caste with a view to humiliate them in public view. In the present case, there was no evidence that any member of the public was present at the time of the incident. There were various discrepancies in the statements of the prosecution witnesses. The dispute had arisen over the possession of the land, and it had a civil origin. There was no evidence to show that the place where the garbage was thrown belonged to the

informant party. The prosecution had failed to prove its case beyond reasonable doubt; hence, the Learned Trial Court acquitted the accused of the charged offences.

7. Being aggrieved by the judgment passed by the learned Trial Court, the State has filed the present appeal asserting that the learned Trial Court erred in acquitting the accused. The statements of the prosecution witnesses proved that the accused had abused the informant party in the name of their caste and had given beatings to them. The statements of the witnesses were duly corroborated by the medical evidence. Therefore, it was prayed that the present appeal be allowed and the judgment passed by the learned trial Court be set aside.

8. I have heard Mr P.K. Nadda, learned Additional Advocate General for the appellant-State, and Mr Harish Sharma, learned Counsel for respondents No. 2 to 7.

9. Mr P.K. Nadda, learned Additional Advocate General for the appellant-State, submitted that the statements of prosecution witnesses corroborated each other in material particulars. The medical evidence proved that Nirmala and Leelawati had sustained injuries. The enmity is a double-edged

weapon, and it can furnish the motive for the commission of the crime. The incident was promptly reported to the police and the FIR was lodged immediately after the arrival of the police. Learned Trial Court erred in acquitting the accused. Therefore, he prayed that the present appeal be allowed and the judgment passed by the Learned Trial Court be set aside.

10. Mr Harish Sharma, Learned Counsel for respondents No. 2 to 7, submitted that the incident had taken place outside the gate where no public person was present. The essential requirement of Section 3(1)(x) that the incident should have taken place within the public view was not satisfied in the present case. Learned Trial Court had rightly held that mere use of the caste of the informant is not sufficient to attract the provisions of the SC&ST Act. Learned Trial Court had taken a reasonable view while acquitting the accused, and this Court should not interfere with the reasonable view of the learned Trial Court while deciding an appeal against acquittal. Hence, he prayed that the present appeal be dismissed.

11. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

12. The present appeal has been filed against a judgment of acquittal. It was laid down by the Hon'ble Supreme Court in ***Sanjay Kumar v. State of Bihar, 2026 SCC OnLine SC 1373,*** that the Court can interfere with a judgment of acquittal only if it is impossible, perverse, wholly unsustainable, or manifestly illegal. It was observed:

> **Scope of interference with an acquittal:**
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> **26.** At the outset, it is necessary to remind ourselves of the settled principles governing interference with an order of acquittal. An accused is presumed innocent until proven guilty. When a court of competent jurisdiction acquits the accused, the presumption of innocence is not weakened but reinforced. Where such acquittal is affirmed by the High Court, the caution to be exercised by this Court under Article 136 is even greater.
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> **27.** In ***Kali Ram v. State of Himachal Pradesh (1973) 2 SCC 808: 1973 SCC (Cri) 1048***, this Court explained the golden thread running through criminal jurisprudence in the following words:
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> > *"25. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. The rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the Court should refrain from recording a finding of guilt of the accused. It is also an*

accepted rule that in case the Court entertains reasonable doubt regarding the guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable; it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by resort to surmises, conjectures or fanciful considerations. As mentioned by us recently in the case of State of Punjab *v.* Jagir Singh, *a criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and fantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the offence with which he is charged. Crime is an event in real life and is the product of the interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the Court has to judge the evidence by the yardstick of probabilities, intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the Courts should not at the same time reject evidence which is ex facie trustworthy on grounds which are fanciful or in the nature of conjectures."*

28. The decision in ***Kali Ram*** (supra) further cautions that wrongful acquittal and wrongful conviction do not stand on the same footing, for conviction of an innocent person causes grave injustice and shakes public confidence in the administration of criminal justice. The rule of benefit of doubt, therefore, is not a technical rule; it is a substantive safeguard flowing from the presumption of innocence.

29. In ***Ghurey Lal v. State of Uttar Pradesh (2008) 10 SCC 450 : (2009) 1 SCC (Cri) 60***, this Court reiterated the

limited scope of interference with acquittals. This Court observed:

> "75. The Trial Court has the advantage of watching the demeanour of the witnesses who have given evidence; therefore, the appellate court should be slow to interfere with the decisions of the Trial Court. An acquittal by the Trial Court should not be interfered with unless it is totally perverse or wholly unsustainable."

30. The decision in ***Ghurey Lal*** (supra) also crystallised certain propositions: first, there is a double presumption of innocence in favour of an acquitted accused; secondly, if two views are possible, the view favourable to the accused must prevail; thirdly, though the appellate court has the power to reappreciate evidence, it should interfere only when the acquittal is manifestly illegal, perverse or results in miscarriage of justice; and fourthly, due weight must be given to the Trial Court's findings, particularly because the trial judge had the advantage of observing the demeanour of witnesses.

31. In ***Chandrappa v. State of Karnataka (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325***, this Court held that though the appellate court has full power to review and re-appreciate the evidence, the presumption of innocence is strengthened by an order of acquittal. It was held that when two reasonable conclusions are possible on the basis of evidence on record, the appellate court should not disturb the finding of acquittal.

32. The same principle was restated in ***Mrinal Das v. State of Tripura (2011) 9 SCC 479***, wherein this Court held that an order of acquittal is to be interfered with only when there are compelling and substantial reasons for doing so. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal.

33. Therefore, the question before us is not whether another view on the evidence is possible. The question is

whether the view taken by the Trial Court and affirmed by the High Court is impossible, perverse, wholly unsustainable, or manifestly illegal. Having examined the record, we are unable to hold so.

13. It was laid down by this Court in ***State of H.P. vs. Ram Prakash, 2004 SCC OnLine HP 77*** that uttering the informant's caste should be with a view to humiliate or insult him. It was observed:

> "**8.** There is no allegation that the respondents had referred to the caste of Parma Nand of other members with a view to insult or humiliate them. It is not in dispute that, in fact, Parma Nand is a Koli by caste. Mere reference to the caste of a person is not an offence unless the reference is with the intention to insult or humiliate with intent to humiliate a member of the Scheduled Caste in any place within public view. Therefore, mere reference to the caste of Parma Nand and other members accompanying him is no offence.
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> **9.** In ***Chandra Poojari v. State of Karnataka [1998 Crl. L.J. 53]***, the Karnataka High Court, while dealing with the subject at hand, held as under:
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> > "It is further argued that calling a particular person in the name of the caste to which he belongs also is not an offence and to substantiate that argument, he also placed reliance on a decision rendered by the Allahabad High Court reported in (1981 Criminal Law Cases I). In that case also, the accused therein called the complainant a 'chammar' and in fact the complainant also belonged to that caste. Therefore, it is held that merely calling someone by his caste does not attract the provisions of this Act."

14. The Hon'ble Supreme Court in ***Keshaw Mahto v. State of Bihar, 2026 SCC OnLine SC 799*** also examined the ingredients of Section 3(1)(r) and 3(1)(s) of the SC & ST Act, which are in *pari materia* to Section 3(1)(x), and held that the offence under Section 3(1)(r) cannot stand unless the insult or intimidation is with a view to humiliate such a member of the community. It was observed:

> **10.** We shall first proceed to examine whether the necessary ingredients to constitute the offence under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act respectively are disclosed on a plain reading of the FIR and the chargesheet. The sections read as under:—
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> *"3. Punishments for offences of atrocities.—*
>
> *[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—*
>
> *xxx*
>
> *(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;*
>
> *(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;"*
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> **11.** This Court, in ***Shajan Skaria v. The State of Kerala, 2024 SCC OnLine SC 2249***, laid down the ingredients to constitute an offence under Section 3(1)(r) of the SC/ST Act. It reads thus:—
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> "55. The basic ingredients to constitute the offence under Section 3(1)(r) of the Act, 1989 are:

a. The accused person must not be a member of the Scheduled Caste or Scheduled Tribe;

b. The accused must *intentionally insult or intimidate a member of a Scheduled Caste or Scheduled Tribe*;

c. The accused must do so with the intent to humiliate such a person; and

d. The accused must do so at any place within public view." (Emphasis supplied)

12. Section 3(1)(r) is attracted where the reason for the intentional insult or intimidation by the accused is that the person who is subjected to it is a member of a Scheduled Caste or a Scheduled Tribe. In other words, the offence under Section 3(1)(r) cannot stand merely on the fact that the informant/complainant is a member of a Scheduled Caste or a Scheduled Tribe, *unless the insult or intimidation is with the intention to humiliate such a member of the community*.

13. To put it briefly - *first*, the fact that the complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. *Secondly*, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.

14. With a view to dispel any doubt and lend clarity, we deem it appropriate to mention that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).

15. Further, for an offence to be made out under Section 3(1)(s), *merely abusing a member of a Scheduled Caste or a Scheduled Tribe would not be enough. At the same time, saying a caste name would also not constitute an offence*.

16. In other words, to constitute an offence under Section 3(1)(s) it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe "by the

> caste name" in any place within public view. Thus, *the allegations must reveal that abuses were laced with caste name, or the caste name had been hurled as an abuse.*
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> **17.** What appears from the aforesaid is that the element of humiliation is present in Section 3(1)(s) as well. It has to be gathered from the intentional insult towards the caste and the content. The content under Section 3(1)(s) is the abuses hurled at a person belonging to a Scheduled Caste or a Scheduled Tribe. *However, the intent with which the abuses were hurled must be found to be denigrating towards the caste, resulting in a feeling of caste-based humiliation.*" (emphasis supplied)

15. Veena Bharti (PW12) specifically stated in her cross-examination that there was no other person of the locality present on the spot except the family members of the parties. The members of the informant party also did not say that any other person had witnessed the abuses being hurled by the accused persons. Thus, the incident had only taken place in the presence of the family members of the informant and not any independent person. It was laid down by the Hon'ble Delhi High Court in ***Daya Bhatnagar vs. State, 2004 (109) DLT 915,*** that the incident should have taken place in the presence of the public and the presence of the informant's family members is not sufficient. It was observed:

> 19. The SC/ST Act was enacted with a laudable object to protect the vulnerable section of society. Sub-clauses (i) to (xv) of Section 3(1) of the Act enumerate various kinds

of atrocities that might be perpetrated against Scheduled Castes and Scheduled Tribes, which constitute an offence. However, Sub-clause (x) is the only clause where even offending "utterances" have been made punishable. The Legislature required intention as an essential ingredient for the offence of "insult, "intimidation' and "humiliation' of a member of the Scheduled Castes or Scheduled Tribes in any place within "public view. Offences under the Act are quite grave and provide stringent punishments. Graver is the offence, stronger should be the proof. The interpretation which suppresses or evades the mischief and advances the object of the Act has to be adopted. Keeping this in view, looking to the aims and objects of the Act, the expression "public view" in Section 3(1)(x) of the Act has to be interpreted to mean that the public persons present, (howsoever small number it may be), should be independent and impartial and not interested in any of the parties. In other words, persons having any kind of close relationship or association with the complainant would necessarily get excluded. I am again in agreement with the interpretation put on the expression "public view" by learned brother Mr Justice B. A. Khan. The relevant portion of his judgment reads as under:

> "I accordingly hold that expression within "public view' occurring in Section 3(1)(x) of the Act means within the view which includes hearing, knowledge or accessibility also, of a group of people of the place/locality/village as distinct from few who are not private and are as good as strangers and not linked with the complainant through any close relationship or any business, commercial or any other vested interest and who are not participating members with him in any way. If such a group of people comprises any one of these, it would not satisfy the requirement of "public view' within the meaning of the expression used.

16. A similar view was taken by the Madras High Court in ***Thangarasu vs. State*, *2009 SCC OnLine Mad 1514*.** It was observed:-

> **12.** The first charge framed by the Court below is regarding the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Section 3(1)(x) makes intentional insults or intimidations with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view, a punishable offence if such insult or intimidation was committed by a person not being a member of a Scheduled Caste or Scheduled Tribe. The following conditions are necessary to constitute an offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:—
>
> (1) The affected person should be a member of a Scheduled Caste or a Scheduled Tribe;
>
> (2) the offender should not be a member of a Scheduled Caste or a Scheduled Tribe;
>
> (3) there must be an intentional insult or intimidation with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe; and
>
> (4) such insult or intimidation should have been made in any place within the public view.
>
> **13.** In this case, the offence is alleged to have taken place in the front yard of the house of P.Ws.1 to 4. *There is no evidence to the effect that, apart from the victims of such insult or intimidation and the person who is said to have caused such intimidation or insult, there was any other person witnessing the occurrence to show that the insult or intimidation was committed within public view. The learned counsel for the appellants has rightly contended that the term*

> *public occurring in Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 shall mean persons other than the accused and the persons insulted or intimidated....*" (Emphasis supplied)

17. Therefore, the evidence on record does not establish the commission of an offence punishable under Section 3 of the SC &ST Act.

18. Chander Shekhar (PW1) stated that his wife and mother disclosed to him that some person had thrown the garbage near the gate of the house. He came out of the house and found that all the accused had assembled near the gate and they were abusing the informant's family members. He stated in his cross-examination that the garbage was kept by them in their own field and did not belong to the accused. Nirmala Devi (PW2) also stated that she had witnessed some garbage thrown near the gate of the house. Lekh Ram (PW3) stated that Leelawati and Nirmala Devi noticed the garbage outside the gate of the house, which was thrown by the accused. He clarified in the cross-examination that the garbage referred to by him in his examination-in-chief was cow dung which belonged to the informant party. Leelawati (PW4) stated that she was called by Nirmala Devi and saw that cow dung, waste material and other

filthy material were thrown. She stated in her cross-examination that she had not seen any of the accused throwing waste material in front of the house. She volunteered to say that she had guessed that since the accused were standing outside the house, they would have thrown the waste material. Dharmender Kumar (PW8) stated in his cross-examination that his mother and sister-in-law told him that some person had thrown cow dung in front of the gate of the house. He, Chander Shekhar, and his father, Lekh Raj, were sleeping, and all of them came out of the house.

19. Thus, it is apparent from the statements of these witnesses that the garbage/waste material/cow dung did not belong to the accused, and no person had seen the accused throwing the cow dung/garbage/waste material outside the gate of the informant party. Thus, the learned trial Court was justified in holding that the genesis of the incident was not proved by the statements of the prosecution witnesses.

20. Chander Shekhar (PW1) admitted in his cross-examination that he had filed a civil suit against the accused person claiming the ownership of Khasra No. 214 and 181. He

also admitted that he had filed 4–5 complaints against the accused persons. Nirmala Devi (PW2) admitted in her cross-examination that the informant party had filed a civil suit against the accused person related to the boundary wall and the land. She admitted that the land over which the retaining wall was constructed by the accused belonged to them. She admitted that this case was instituted against the accused person to pressurise them to abandon their claim over the wall and the land. Lekh Ram (PW3) admitted that he had filed one contempt case against Krishan Chand, but he denied that he had filed a civil suit against Krishan Chand, which is pending in the Court. Leelawati (PW4) stated in her cross-examination that the accused are not concerned with Khasra No. 214. Dharmender Kumar (PW8) admitted that the house of the accused and the retaining wall are located in Khasra No. 181, and there is a dispute between the parties regarding the retaining wall.

21. These admissions in the cross-examination of the witnesses show that the relationship between the parties is strained. The admission made by Nirmala Devi in her cross-examination that the wall was found on the land of the accused shows that the informant party is raising a claim regarding the

land over which the accused had constructed the wall, and that the present case was filed to compel the accused to abandon the claim on the land. Thus, it was duly proved by these admissions that the present case was filed because of the civil dispute between the parties with an ulterior view to compel the respondents/accused to abandon their claim on the land belonging to them.

22. The application (Ext. PW11/A) mentions that Lalit, Raju, and Baldev said that they would not permit the Kolis to reside in the village. As per the informant, Chander Shekhar (PW1), the accused had said that they would not allow the informant party to live in the village because they belong to the scheduled caste. The accused persons were also carrying sticks in their hands, which were used for beating. Nirmala Devi (PW2) stated that the accused persons were abusing and humiliating the informant party by calling them Koli while throwing stones. Leelawati (PW4) stated in the examination-in-chief that Lalit Kumar called Lekh Ram by cast Koli and repeated it thrice. Baldev stated that he would kill the informant party with stones. Leelawait (PW4) stated that the accused persons had dragged Nirmala Devi, due to which she sustained injuries, and the

accused had called the informant party by their caste, Koli, and threatened to kill them. Dharmender Kumar (PW8) stated that the accused persons manhandled the informant parties.

23. The prosecution witnesses did not name any person specifically, but used the term "accused persons". This is not sufficient. It was laid down by the Hon'ble Supreme Court in ***Pandurang vs. State of Hyderabad, AIR 1955 SC 216,*** that it is unsafe to rely upon the omnibus statement that the accused had committed the offence. It was observed:

> "Rasikabai says that the "accused" raised their axes and sticks and threatened her when she called out to them, but that again is an all-embracing statement which we are not prepared to take literally in the absence of further particulars. People do not ordinarily act in unison like a Greek chorus, and, quite apart from dishonesty, this is a favourite device with witnesses who are either not mentally alert or are mentally lazy and are given to loose thinking. They are often apt to say "all" even when they only saw "some" because they are too lazy, mentally, to differentiate. Unless, therefore, a witness particularises when there are several accused, it is ordinarily unsafe to accept omnibus inclusions like this at their face value."

24. Thus, the statements of the witnesses that accused persons had beaten the informant party and had abused them in the name of their caste are not sufficient to convict the accused.

25. The members of the informant party also made a generalised statement that the accused used to abuse the members of the informant party in the name of the caste. However, they have not mentioned the date, place, and time of the incident, or the exact words used by the accused, and the name of the person who had uttered the abuses in the name of the caste. Hence, an omnibus statement made by the members of the informant party that the accused used to abuse the members of the informant party in the name of the caste is not sufficient to convict them of the offence punishable under Section 3 of the SC &ST Act.

26. It was asserted that the accused dragged Nirmala Devi and gave beatings to Nirmala and Leelawati by means of the stick. The police had not recovered any stick during the incident. Dr Parveen Bhatia (PW5) stated that the injuries can be caused by kicks and fist blows. He stated in his cross-examination that the injuries could be caused by a fall on a hard and rough surface. Thus, the medical evidence does not corroborate that the injuries were caused by means of a stick.

27. The relationship between the parties was strained; civil disputes are pending between them, the medical evidence has also not corroborated the prosecution's version that the injuries were caused by means of the stick, and the initial version projected in the complaint made to the police has been changed in the statements on oath. Therefore, in these circumstances, the learned trial Court was justified in holding that the prosecution had not proved its case beyond reasonable doubt. This was a reasonable view that could have been taken based on the evidence produced before the learned trial Court, and this Court will not interfere with the reasonable view of the learned trial Court even if another view is possible.

28. No other point was urged.

29. In view of the above, the present appeal fails and is dismissed. Pending applications, if any, also stand disposed of.

31. In view of the provisions of Section 437-A of the Code of Criminal Procedure (Section 481 of Bhartiya Nagarik Suraksha Sanhita, 2023) the respondents/accused are directed to furnish bail bonds in the sum of ₹25,000/- each with one surety each in the like amount to the satisfaction of the learned Trial Court

within four weeks, which shall be effective for six months with stipulation that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the respondents/accused on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

32. A copy of this judgment, along with the record of the learned trial Court, be sent back forthwith.

(Rakesh Kainthla)
Judge

19th November,2026.
(Ravinder)