



2026:CGHC:9760

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 322 of 2025

1 - State of Chhattisgarh Through Police Station AJK, Ambikapur, Distt. Surguja (C.G.)

... Appellant

versus

1 - Munmun Thakur S/o Shrikant Thakur, Aged About 22 Years, R/o Babupara, Atal Awas Ambikapur, Police Station Ambikapur, Distt. Surguja (C.G.)

---- Respondent

(Cause-title taken from Case Information System)

For Appellant : Ms. Supriya Upasane, Govt. Advocate.

For Respondent : Mr. Sourabh Pandey, Advocate on behalf of Mr. Amarnath Pandey, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.
Order on Board

24-02-2026

1. The present acquittal appeal under Section 14(A)(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST Act') against the impugned judgment of acquittal dated 17-05-2024 passed by the learned Special Judge (Atrocities), Surguja place Ambikapur in Special Sessions Case (Atrocities) No.25/2021 whereby the respondent/accused has been acquitted from the offence under Section 294, 506 Part II, 354, 323 of the IPC and Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) (in three counts) of the SC/ST Act.
2. The brief facts of the case are that, on 16-03-2021 at about 5-6 p.m. the son of the victim PW-3 was playing in front of her house. At that time, the respondent/accused came there in intoxicated condition and started scolding the son of the victim. When the victim objected the respondent/accused

abused her on the name of her caste and outraged her modesty and assaulted her by barber's knife which he kept in his pocket of pant. The victim received injuries on her right wrist. A written complaint was made by the victim PW-3 at police station AJAK, Ambikapur and then the FIR Ex.-P/2 was registered against the respondent/accused on 09-04-2021 for the offence under Section 294, 506, 354A of the IPC and Section 3(2)(w)(i) and 3(1)(r)(s) of the SC/ST Act. The MLC report Ex.-P/1 which was conducted on 16-03-2021 at district hospital Ambikapur was obtained by police in which the doctor has found pain over chest, pain over right upper arm and abrasion over right hand palm, which were simple in nature. The spot map Ex.-P/4 was prepared by police. The social status certificate of the victim Ex.-P/5A has been seized vide seizure memo Ex.-P/5. Barber's knife has been seized from the respondent/accused vide seizure memo Ex.-P/8. The respondent/accused was arrested on 21-04-2021. Statement of the witnesses were recorded and after completion of usual investigation charge sheet was filed against the respondent/accused before the learned trial Court.

3. The learned trial Court has framed charge against the respondent/accused for offence under Section 294, 506 Part II, 354, 323 of the IPC and Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) (in three counts) of the SC/ST Act. The respondent/accused denied the charge and claimed trial.
4. The prosecution has examined as many as 7 witnesses. The statement of the respondent/accused under Section 313 of the Cr.P.C. has also been recorded in which he denied the circumstances that appears against him, pleaded innocence and submitted that he has been falsely implicated in the offence.
5. After appreciating the oral as well as documentary evidence led by the prosecution, the learned trial Court has acquitted the respondent/accused holding that the prosecution has failed to prove its case beyond reasonable

doubt. While acquitting the respondent/accused the learned trial Court has also considered the evidence of the victim PW-3 that she exaggerated the statement and there are material omissions and contradiction in the evidence of the prosecution witnesses and also that the FIR has been lodged after about 24 days for which there was no explanation. The judgment of acquittal is under challenge in the present acquittal appeal.

6. Learned counsel for the appellant would submit that there are sufficient and overwhelming evidence against the respondent/accused to convict him for the offence in question. The victim has duly supported the prosecution case that when she raised objection the respondent/accused outraged her modesty and abused her with filthy language and also in the name of her caste and threatened her. She also supported the injury caused by the respondent/accused by barber's knife which has been supported by the doctor PW-1 and MLC report Ex.-P/1. The learned trial Court by considering minor discrepancies acquitted the respondent/accused. She also supported that the victim has lodged the report immediately to police station Maneepur and she was medically examined on the instance of police station Maneepur, however, when no further action was taken against the respondent/accused she made complaint to AJAK police station, therefore, the FIR was registered and accused has been arrested. Therefore, there is no delay in lodging the report to police. The victim being a rustic villager, minor omission or contradiction is quite natural in her evidence, yet the learned trial Court has considered it to be materially affected the prosecution's case and therefore the acquittal appeal has been filed by the State.
7. On the other hand, learned counsel for the respondent/accused supported the impugned judgment and has submitted that after adverting the entire facts and circumstances of the case the learned trial Court has acquitted the respondent/accused which needs no interference.
8. I have heard learned counsel for the parties and perused the record of the

trial Court.

9. From perusal of the impugned judgment it transpires that the learned trial Court has considered the delay in lodging of the report that the alleged incident is said to have occurred on 16-03-2021, whereas, the FIR was lodged on 09-04-2021 and there is no explanation for delayed lodging of the FIR. It further observed by the learned trial Court that all the process of investigation was carried out after lodging of the FIR on 09-04-2021, however, the MLC report of the victim endorsed with date of 16-03-2021. There is no document or endorsement in the charge sheet that on 16-03-2021 the victim PW-3 approached the police station or she was sent for her medical examination. Since the FIR itself was lodged on 09-04-2021 her MLC report dated 16-03-2021 makes it doubtful as the same is antedated. Further, from spot map Ex.-P/4, it transpires that there were adjoining houses of others at the place of incident, but none of the persons were examined by the prosecution who can say about the incident.
10. The learned trial Court has also considered that though the allegation of abusing in the name of their caste and intentionally insulting of the victim was alleged, but from the evidence of the victim as well as other witnesses the material available in their evidence does not satisfy the requirement of the offence under the SC/ST Act to prove the allegation against the accused. When this Court examine the evidence of the victim PW-3 it is found that in her examination-in-chief she alleged that when she asked the accused as to why he had beaten her son, the accused abused her in the name of her caste and outraged her modesty. The incident was witnessed by the persons of the vicinity and PW-5. The victim PW-3 after declaring hostile stated that the accused was in drunken state was scolding her son and when she protested he threatened her with dire consequences and abused her. He also made knife blow upon her by which she received injuries upon her right wrist. She admitted in her cross-examination that the accused assaulted her and

tried to outrage her modesty, therefore, she lodged the report. From this evidence it transpires that the accused was in drunken state at that time and when he was scolding the son of the victim there was some altercation between them, however, the incident of intentionally insulting the victim has not been supported by her own sister PW-5 who was alleged to be the eye-witness. Except the uncorroborated evidence of the victim there is no other evidence available on record which supports the allegation made by the victim against the accused.

11. PW-6 who is brother-in-law of the victim has also not supported the prosecution case and too has turned hostile.
12. In the aforesaid facts and circumstances as well as the evidence available on record, the learned trial Court has acquitted the respondent/accused by giving him benefit of doubt. After minute scrutiny of the evidence led by the prosecution this Court is of the considered opinion that the learned trial Court has rightly appreciated the evidence available on record and acquitted the accused/respondent by giving him benefit of doubt.
13. The Hon'ble Supreme Court in the matter of **Jafarudheen and Ors Vs. State of Kerala, (2022) 8 SCC 440**, has considered the scope of interference in appeal against acquittal in judgment at Para 25 which reads as under;

"25. While dealing with an appeal against acquittal by invoking Section 378 Cr.P.C., the appellate court has to consider whether the trial court's view can be termed as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double

presumption that ensures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters."

14. Recently, applying the law governing the scope of interference in an appeal against acquittal, the Hon'ble Supreme Court in the case of **State of Rajasthan Vs. Kistoora Ram, 2022 SCC OnLine SC 984**, has held as follows:-

"8. The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an order of acquittal, merely because the Appellate Court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not possible at all."

15. The Trial Court has elaborately discussed the evidence led by the parties and after analyzing the entire evidence led by the parties, acquitted the respondent/accused after giving him the benefit of doubt. Therefore, the argument of learned counsel for the appellant and the statements made by the prosecution witnesses in their court evidence makes the prosecution case suspicious and is not credible.
16. After considering the material available on record as well as the elaborate judgment passed by the Court below and being very much conscious of the existing legal position as held in case of **Jafarudheen** (supra) and **Kistoora Ram** (supra) that in an appeal against acquittal, if two views are possible on the basis by the evidence laid by the prosecution and the trial court taking one view favoured the accused, reversion on the finding of acquittal by the

appellate court taking the other possible view into consideration, is not permissible in law.

- 17.** From careful perusal of the record, this Court does not find any perversity in the consideration of the learned trial Court while passing the impugned judgment of acquittal. I am therefore of the considered opinion that the judgment impugned, acquitting the respondent/accused is just and proper and does not call for any interference. Accordingly, the acquittal appeal filed by the appellant against the acquittal of respondent from the aforesaid offence is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge