



2026:CGHC:3428

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 338 of 2025**

1 - Suresh Kumar Mahilange S/o Maniram Mahilange Aged About 42 Years R/o Quarter No. M.Q.-572, S.E.C.L. Colony, Dipka, District -, Korba (C.G.), (Complainant)

... Appellant(s)**versus**

1 - Reshamlal Yadav S/o Chandra Yadav Aged About 69 Years Crane Operator, R/o Quarter No. B-232, Dipka Colony S.E.C.L., Dipka, District - Korba (C.G.), (Accused)

2 - Sheikh Chand Mansuri S/o Sheikh Ismail Mansuri Aged About 55 Years Fitter, R/o Quarter No. B-265, Dipka Colony S.E.C.L., Gevra Project, District - Korba (C.G.)

3 - Tarun Raha S/o Sushil Kumar Raha Aged About 58 Years Sowel Operator, R/o Quarter No. B-271, Urja Nagar, Gevra Project, District - Korba (C.G.)

4 - Girija Sahu S/o Chheduram Sahu Aged About 56 Years Fitter, R/o Quarter No. M.Q.-382, Dipka Colony S.E.C.L. Gevra, District - Korba (C.G.)

5 - Rama Shankar Tiwari S/o Revati Prasad Tiwari Aged About 56 Years Overman S.E.C.L. Dipka, R/o Quarter No. B-151, Dipka Colony, District - Korba (C.G.)

6 - Ajay Yadav S/o Reshamlal Yadav Aged About 42 Years Contractor, R/o Quarter No. B-232, Urja Nagar, Gevra Project, District - Korba (C.G.)

7 - Lal Babu S/o Shiv Prasad Aged About 58 Years R/o Quarter No. M.Q.-513, Dipka Colony, District - Korba (C.G.)

8 - Banke Bihari Singh S/o Ram Pratap Singh Aged About 59 Years R/o Quarter No. M.Q.-471, Dipka Colony, District - Korba (C.G.)

9 - Amrit Lal Chandra S/o Bhagwat Singh Chandra Aged About 57 Years Fitter S.E.C.L. Dipka, R/o Quarter No. B-262, Urja Nagar, Gevra, District - Korba (C.G.)

10 - Anup Yadav S/o Reshamlal Yadav Aged About 33 Years Student, R/o Quarter No. B-232, Urja Nagar, Gevra Project, District - Korba (C.G.)

... Respondent(s)

For Appellant(s) : Mr. Devesh G. Kela, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Judgment on Board

20/01/2026

1. Heard on admission.
2. This is an acquittal appeal under Section 14 A(1) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 against the impugned judgment of acquittal dated 20.06.2025 passed by learned Special Judge Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 Korba, District Korba in Special Criminal Case No. 02/2018, whereby the respondent/accused persons have been acquitted from the offence under Sections 147, 148, 294, 323/149, 506-II of IPC, and Section 3(1)(x) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (in short 'SC & ST' Act).
3. The case of the complainant/appellant is that on 21.02.2011 there was a gathering of the members of the Janta Majdoor Union at Gevra Stadium of Dipka. The complainant was also present there and at that time the accused persons started abusing by saying that he by calling the persons from outside, organizing the meeting, and he forced to left the place. By the abuse made by the accused persons, he felt annoyed, and when he tried to stop them, the accused persons further abused on the name of his caste and assaulted by hand, fist and kicks. Some of the persons present there were intervened and he lodged a report to the police on 21.02.2011 at Police Station Dipka. When the police have not taken any action against the accused persons, the complainant filed a complaint case before the learned trial Court. The complaint case was registered and evidence of the

complainant witnesses were recorded. The statement of the accused persons under Section 313 of CRPC have also been recorded in which they denied the circumstances that appears against them.

4. After appreciation of oral as well as documentary evidence led by the complainant, the learned trial Court has acquitted the accused persons by holding that the complainant has failed to prove his genuineness that he himself was the sufferer from the act of the accused persons as there is material discrepancies in the father's name of the complainant in the complaint as well as social status certificate submitted by him, which is under challenge in the present acquittal appeal.
5. Learned counsel for the appellant would submit that the complainant is the victim of the offence, and he lodged the report. He himself has not prepared any document but, it has been prepared by the authorities concerned when the complainant shown the sufficient evidence about his identity. Merely discrepancies in his father's name cannot be considered to be the sufficient inconsistency is in his evidence. The witnesses have duly supported the complainant case which has also not been considered by the learned trial Court, therefore, the impugned judgment of acquittal suffers from perversity and is liable to be set aside.
6. I have heard learned counsel for the appellant and perused the record of the trial Court.
7. Applying the law governing the scope of interference in an appeal acquittal, the Hon'ble Supreme Court in the case of "**State of Rajasthan Vs. Kistoora Ram**" reported in **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."

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

9. From perusal of the record of the trial Court, it transpires that the learned trial Court has considered that the name shown in the complaint does not match with the other document with respect to the identity of the same person and the complaint has been filed in the name of fake person and the person who appeared as the complainant is different then the person who made complaint. The name of the father of the complainant is different in the complaint, the social status certificate Ex.P/2 as well as document Ex.P/3. Even the complainant PW-1 has admitted that there is variance with respect to father's name in voter -ID as well as in aadhar card. He also admitted that he was provided job in SECL in lieu of acquisition of his land which supported the document Ex.D/3, which is the appointment order of the issued by the SECL. In the documents submitted in the case by the complainant as well as in the evidence, it clearly comes that there is substantial discrepancies in the father's name of the complainant and the learned trial Court has found that the complainant has failed to prove his identity that he and the victim is the same person. The learned trial Court has also observed that in view of the discrepancies in the father's name of the complainant, the social status certificate Ex.P/2 submitted by the complainant cannot be considered to be social status certificate of the actual victim and thus no

offence under the Atrocities Act is found to be committed by the accused persons.

10. Considering the evidence available on record as well as law the laid down by Hon'ble Supreme Court in the aforesaid cases. This Court is of the considered opinion that the complainant has failed to make out any ground to interfere with the impugned order of acquittal passed by learned trial Court particularly in view of the aforesaid judgments passed by Hon'ble Supreme Court.
11. Accordingly, this Court does not find any merit in the acquittal appeal and the same is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Alok