



2026:CGHC:8426



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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 274 of 2022

State of Chhattisgarh Through- The Police Station Kapu, District : Raigarh,
Chhattisgarh

... Appellant

versus

1 - Kushal Yadav S/o Shri Ghuran Singh Yadav, Aged About 42 Years

2 - Vinod Kumar Agariya S/o Late Manohar Agariya, Aged About 32 Years

3 - Chhattar Singh Sahu S/o Late Gopichand Sahu, Aged About 60 Years

All are R/o Village Krindha, Police Station Kapu, District Raigarh,
Chhattisgarh

... Respondents

For Appellant/State	: Shri Dharmesh Shrivastava, Dy. Advocate General appears along with Shri Arpit Agrawal, Panel Lawyer
For Respondents	: Shri Amit Singh Chouhan, Advocate

Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal

Judgment On Board

17.02.2026

1. This appeal has been preferred by the appellant/State under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, questioning the legality and propriety of the



judgment dated 29.07.2022 passed by the Special Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act], Raigarh, District Raigarh (C.G.) in Special Criminal Case under the Atrocities Act/45/2020, whereby, the respondents have been acquitted with regard to the offence punishable under Sections 457, 354 read with Section 34, 354-B read with Section 34, 294, 506- Part II of IPC, read with Sections 3(1)(s), 3(1)(r), 3(1)(w)(i) and 3(1)(e) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”).

2. From perusal of the record, it appears that the respondents have been charge-sheeted with regard to the offence mentioned herein-above, on the allegation that on 08.06.2018 at 10.00 pm, when the prosecutrix (PW-1) was alone at her home, they came to her house and demanded “Gudakhu” (A kind of Tobacco product) and when she went inside the house, they came near to her and tried to outrage her modesty, while touching her breast and that by trying to remove her blouse, and when she shouted, Nanhiram, Firan Ram and Budhnath came there and upon seeing them, they all fled away from the spot and based upon the alleged allegations, an FIR was registered against them on 13.07.2019 for the offence punishable under Section 294, 354, 354-A, 354-B, 451 and 506 of IPC and, based upon the materials, they have been charge-sheeted under Sections 457, 354/34, 354-B/34, 294 and 506 Part-II of IPC, read with Sections 3(1)(s), 3(1)(r), 3(1)(w)(i) and 3(1)(e) of the Act, 1989, which was denied by them and claimed to be tried.
3. The trial Court, after considering the evidence led by the parties, held



that the respondents are not involved for the commission of the alleged crime, as alleged by the prosecutrix and accordingly, they have been acquitted from the commission of the alleged crime as mentioned herein-above and, being aggrieved, the instant appeal has been preferred.

4. Learned counsel appearing for the appellant/State submits that the finding recorded by the trial Court holding that the respondents are not involved in connection with the alleged crime, is apparently contrary to the materials available on record, inasmuch as the evidence led by the prosecutrix (PW-1) and the eye-witnesses, namely, Budhnath Singh Baiga (PW-3), Firan Singh Chouhan (PW-4) and Nanhiram (PW-5) have not been scanned in its proper manner and thereby, erred in acquitting them as such.
5. On the other hand, learned counsel appearing for the respondents has supported the impugned judgment of acquittal as passed by the trial Court.
6. I have heard learned counsel appearing for the parties and perused the entire record.
7. From perusal of the record, as projected by the prosecution, it appears that the alleged incident was occurred on 08.06.2018 at 10.00 pm when the prosecutrix (PW-1) was alone at her home and, at the relevant point of time, the respondents came on the pretext of demanding "Gudakhu" (A kind of Tobacco product) and have tried to outrage her modesty by touching her breast and that by trying to



remove her blouse. Perusal of the record would show further that a complaint was made by the prosecutrix under Section 200 Cr.P.C. on 06.09.2018 and during the pendency of her alleged complaint, an application was made by her under sub-section (3) of Section 156 of Cr.P.C. and after considering the said application, the Judicial Magistrate First Class, Dharamjaigarh, has directed for the registration of an FIR against the respondents and based upon which, the alleged FIR (Ex.P-11) was registered on 13.07.2019 for the offence punishable under Sections 294, 354, 354-A, 354-B, 451 and 506 of IPC and during the investigation and based upon the materials available on record, the respondents have been charge-sheeted with regard to the offence mentioned in the precedent paragraph.

8. In order to establish the alleged allegations, the prosecutrix was examined as PW-1 and it appears from her testimony that on the said fateful day, i.e. 08.06.2018 around 10.00 pm, she was alone at home and was washing utensils, the respondent- Chhattar Singh Sahu, at that particular time, demanded "Gudakhu" from her and when she went inside the house, the respondents entered into the Varandah of her house and when she was going towards them for giving "Gudakhu", the accused/respondents -Kushal Yadav and Vinod Kumar Agariya have caught hold of her and started touching her breast and tried to remove her blouse and thrown her on the floor, owing to which, she sustained injuries. It reveals further from her testimony that the respondents- Vinod Kumar Agariya and Kushal Yadav have threatened to kill her when she resisted them and at the relevant point of time, the respondent- Chhattar Singh Sahu was standing nearby them. Further



of her testimony would reveal the fact that when she shouted, then upon hearing her noise, Nanhiram, Firan Ram and Budhnath came on the spot and upon seeing them, they all fled away. It appears further from her testimony that on the next day, she went to the Police Station, Kapu for lodging the report, but the same was not registered, therefore, she made a written complaint on 28.06.2018 before the Superintendent of Police at Raigarh and when no action was taken, a complaint was, then filed by her before the Judicial Magistrate First Class, Dharamjaigarh. According to her testimony, it, thus, appears that the alleged incident was seen by Firan Ram, Nanhiram and Budhnath, but, they have, however, not supported her alleged version, as Budhnath, who was examined as PW-3, has deposed that when he heard the noise from the house of the prosecutrix, he reached there, where he has seen the accused/respondents in the *Badi* of the prosecutrix and, were quarreling with her, but in para 2 of his evidence, he has, however, denied the said fact by saying that he has not seen the respondents over the said place or has seen that the respondents 1 and 2 were removing her blouse or the same was torned by them and, has denied the fact specifically that he has seen the occurrence of the alleged incident as revealed from para 3 of his testimony. That apart, it appears from para 6 of his cross-examination that he has heard that a dispute was there between the Contractor, namely, Shivhari Sarthi with the respondents and that fact was also found to be corroborated in this regard from the testimony of the defence witness, namely, Ramlal Baiga (DW-1). A bare perusal of his testimony, would, thus, show that the allegation as was alleged by the prosecutrix was, however, not found to be supported by him, nor was even found to be supported by



other eye-witnesses, namely, Firan Singh Chouhan (PW-4) and Nanhiram (PW-5), and the trial Court after taking note of those materials, has, therefore, not committed any illegality in acquitting them from the commission of the alleged crime, so as to call for any interference in this appeal.

9. The appeal, being devoid of merit is, accordingly, dismissed.

Sd/-
(Sanjay S. Agrawal)
JUDGE