



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Appeal (A-SB) No.9 of 2025

Date of Decision: 7.5.2026

Mohan Singh

.....Appellant

Versus

Bharat Singh and Anr.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? Yes.

For the appellant: Mr. Jagat Pal, Advocate.

For the respondents: Mr. Desh Raj Thakur, Advocate.

Sandeep Sharma, J. *(Oral)*

Instant Criminal Appeal filed under Section 413 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "BNSS"), lays challenge to judgment of conviction dated 31.7.2025, passed by the learned Special Judge, Sirmaur at Nahan in Sessions Trial No.01-ST/7 of 2023 arising out of FIR No. 188 of 2022 dated 13.11.2022, under Sections 341, 506 read with Section 34 of IPC and Sections 3 (1) (r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "SCST Act").

2. In nutshell, the grouse of the appellant as has been highlighted in the appeal and further canvassed by Mr. Jagat Pal, Advocate, is that court below while acquitting the respondent-accused (herein referred to as the "accused") under Section 3 (1) (r) (s) of the SCST Act, failed to take note of the fact that besides afore provisions of



law, accused was also charged under Sections 341 and 506 of IPC read with Section 34 of IPC. He argued that bare perusal of evidence adduced on record by the appellant clearly reveals that he successfully proved on record that on the date of alleged incident, accused besides wrongfully restraining the appellant had also extended threats. He further submitted that version put forth by the appellant/complainant was further corroborated by PW4 Jasmer Singh, who categorically stated that accused had extended threats to do away with the life of the appellant/complainant.

3. Briefly stated facts of the case as emerge from the pleadings as well as material available on record, reveals that complainant-Mohan Singh (PW3), who runs a shop at Dhaulakuan, lodged a complaint, on the basis of which, FIR was registered at Police Station Majra, District Sirmaur, Himachal Pradesh, alleging therein that while he was going to cast his vote, he was restrained by the respondents-accused from proceeding further. He further alleged that accused threatened him to do away with his life. He further alleged in the complaint that he belongs to SC category and accused threatened him by saying “चमार हम तेरे को जान से मार देंगे और तेरी हवा निकाल देंगे”. Afore complainant apprehending danger to his life at the hands of the accused and their family members, requested the police to take appropriate action in accordance with law. In the afore background,



FIR detailed herein above came to be lodged against the respondents-accused.

4. After completion of investigation, police presented challan in the competent court of law, which on being satisfied that prima-facie case exists against the accused named in the FIR, proceeded to frame charge against them under Sections 341, 506 read with Section 34 of IPC and Sections 3 (1) (r)(s) of the SCST Act, to which they pleaded not guilty and claimed trial.

5. With a view to prove its case, prosecution examined as many as seven witnesses. Accused in their statements recorded under Section 313 CrPC admitted that appellant belongs to “Ramdasia” caste, whereas they belong to “OBC” caste. While claiming themselves to be innocent, respondents-accused denied rest of the case of the prosecution and claimed trial, but despite sufficient opportunity, they failed to lead any evidence. Learned trial Court on the basis of evidence led on record by the respective parties, acquitted the accused of the charges framed against them under the relevant provisions of law. In the afore background, complainant in the instant appeal praying therein for conviction of the accused under relevant provisions of law after setting aside judgment of recorded by the court below.

6. While referring to Section 14 (a) of the SCST Act, Mr. Jagat Pal, learned counsel, fairly stated that as far as findings returned by the learned trial Court qua the commission of the offence, if any, by



the accused under afore provisions of law are concerned, present appeal is not maintainable, rather being aggrieved, if any, complainant ought to have filed appeal under Section 14 (a) of the SCST Act. He fairly stated that since no challenge has been laid to the findings qua the aforesaid aspect of the matter, same has attained finality. However, Mr. Jagat Pal, argued that besides complaint under Section 3(1)(r) (s) of the SCST Act, complainant had also alleged that accused named in the FIR, not only restrained him, but also extended threats to do away with his life, it was incumbent upon the court below to return finding qua the same and hold accused guilty of their having committed offence punishable under Sections 341 and 506 read with Section 34 of IPC. While making this Court peruse statement of the complainant (PW3) before the competent court of law, Mr. Jagat Pal, vehemently argued that he successfully proved on record that on the date of alleged incident, he was not only wrongfully restrained, but was also extended threats to do away with his life. While referring to statement of PW4 Jasmer Singh, Mr. Jagat Pal, further argued that version put forth by the complainant with regard to extension of threats was duly substantiated /corroborated by the afore witness and as such, there was no occasion, if any, for the learned trial court to acquit the accused under the aforesaid provisions of law.

7. To the contrary, Mr. Desh Raj Thakur, learned counsel, appearing for the respondents-accused while supporting the impugned



judgment of acquittal, vehemently argued that evidence led on record by the complainant to prove the guilt, if any, of the accused, could not have been read by the court in pieces, rather same can only be read in its entirety to find out *whether at the time of the alleged incident, accused while wrongly restraining the complainant had called him by caste or not?* He submitted that since it never came to be proved in accordance with law that on the date of the alleged incident, accused obstructed the path of the complainant and called him by caste, no illegality can be said to have been committed by the court below while acquitting the accused of charges framed against him.

8. Having heard learned counsel for the parties and perused the material available on record, this Court finds that though complainant had alleged that on the date of the alleged incident, accused named in the FIR obstructed his path and restrained him from casting vote and while doing so, they also called him by caste, but once prosecution was unable to prove that complainant belongs to Scheduled Caste Category, learned trial Court rightly acquitted the accused of charges framed against them under the afore provisions of law. If the statement given by PW3 i.e. complainant, is read in its entirety, it clearly suggests that on the date of the alleged incident, accused named in the FIR, restrained the complainant from casting vote and while doing so, called him by caste, but such fact, if any, may



not be sufficient to conclude guilt of the respondents-accused under Section 506 of IPC.

9. Section 506 of IPC provides for “*punishment for criminal intimidation*”. “Criminal intimidation” has been defined under Section 503 of IPC, which reads as under:

“Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.”

10. Bare reading of definition of “criminal intimidation” suggests that there must be an act of threatening to another person, of causing an injury to the person, reputation or property of the person threatened or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

11. In the case at hand allegation is that accused abused the complainant and obstructed his path. It is intention of the accused that has to be considered and decided as to whether what he has stated comes within the meaning of criminal intimidation. The threat must be with an intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any



words without any intention to cause alarm, would not be sufficient to bring in the application of this section, rather material is required to be placed on record to show that intention is to cause alarm to the complainant. However, having carefully perused contents of the complaint, this court is persuaded to agree with Mr. Desh Raj Thakur, learned counsel for the accused, that there was no intention on the part of the appellant to cause alarm in the mind of the accused causing obstruction. If the statement of the complainant is read in its entirety, there is no mention that in what manner, he was alarmed with the alleged threat given to him by accused. Moreover, as has been observed herein above, evidence led on record by the complainant cannot be read in pieces. Once prosecution was unable to prove that on the date of the alleged incident, accused used filthy language or called him by caste, version put forth by the complainant with regard to alleged threat otherwise could not have been taken into consideration, rather in the circumstances, entire version put forth by the complainant had become doubtful and as such, rightly was not taken into consideration by the court below while ascertaining guilt of the accused under Section 506 and 341 of IPC.

12. Similarly, this Court finds that no case was made out against the accused under Section 341 , which reads as under:

“Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one



month, or with fine which may extend to five hundred rupees, or with both.”

13. To invoke section 341, which provides for punishment for wrongful restrain, it is incumbent upon the prosecution to prove wrongful restraint, which is defined under Section 339 as under:

“Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.”

14. As per aforesaid provision of law, whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

15. If the statement made by complainant with regard to his wrongful restrain is perused, he nowhere specifically stated that how and in what manner, accused prevented him from proceeding in a particular direction. Though he stated that he was prevented from casting vote, but in that regard, was unable to place on record complaint, if any, made by him to returning officer. Otherwise also, aforesaid provision of law never came to be corroborated by PW5, who though stated that accused by calling complainant by caste extended threats to do away with his life.

16. Consequently, in view of the detailed discussion made herein above, this Court does not find any illegality or infirmity in the impugned judgment passed by the court below which otherwise



appears to be based upon proper appreciation of facts and law and as such, same is upheld. Consequently, present appeal fails and dismissed accordingly,

May 7, 2026

manjit

**(Sandeep Sharma),
Judge**