

**(2016) 09 RAJ CK 0039**

**In the Rajasthan High Court**

**Case No : Criminal Appeal (Crla) No. 63 of 2016**

Bhanwari Devi

APPELLANT

Vs

State of Rajasthan

RESPONDENT

**Date of Decision : 02-09-2016**

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 323, 323, 34, 451  
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —  
Section 3(1)(x)

**Citation : (2016) 4 CriLR 1716**

**Hon'ble Judges : Ms. Nirmaljit Kaur, J.**

**Bench : Single Bench**

**Advocate : Mr. D.S. Thind, Advocate, for the Appellant; Mr. K.K. Rawal, Public Prosecutor, for the State**

**Final Decision : Dismissed**

## **Judgement**

Ms. Nirmaljit Kaur, J.—This is Criminal Appeal under Section 372 of the Cr.P.C., against the Judgment Dated 10.12.2015 passed by Learned Special Judge SC/ST (Prevention of Atrocity Cases), Sri Ganganagar, in Sessions Case No. 07/2015 (04/2015) acquitting the respondent Nos. 2 and 3 for the charges under Section 3(1) (x) of SC/ST Act and declared guilty for the offences under Sections 451, 323 & 323/34 of IPC and awarded the benefit of probation.

2. Learned counsel for the appellant while praying for leave to appeal submitted that the respondents were from the same village and they very well knew that the appellant was a schedule caste woman and therefore, they knowingly abused her. Secondly, the probation has been wrongly granted to the respondents in spite of the conviction under Sections 452, 323 & 323/34 IPC.

3. Reliance has been placed on the statements of PW-4 and PW-5. It is stated as per the statements of PW-4 and PW-5, the respondents had abused the appellant in their presence and hence they have been wrongly acquitted for the offence under Sections 3 (1) (x) SC/ST Act. A perusal of the statements of PW-4 and

PW-5 show that in their statements it is nowhere stated that the respondents-accused knew that the appellant belong to schedule caste community. No other evidence was placed on record to show that they were in knowledge of this fact. At the same time, learned counsel for the appellant has not been able to point out as to why the respondents were not entitled to the grant of probation. Admittedly, the respondents are the first time offenders and no other case is registered against them.

4. In view of the above this Court finds no ground to interfere in the Order and Judgment impugned.

5. Dismissed accordingly.