

(2002) 05 RAJ CK 0131

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 528 of 2001

Nathu Lal Jevariya and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 14-05-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 397, 401
Penal Code, 1860 (IPC) — Section 323, 342

Citation : (2002) 05 RAJ CK 0131

Hon'ble Judges : Khem Chand Sharma, J

Bench : Single Bench

Advocate : Ratan Kaushik, for the Appellant; Madhav Mitra, Public Prosecutor
Mr. Sanjay Singhal, for the Respondent

Final Decision : Dismissed

Judgement

Khem Chand Sharma, J.—This revision petition u/s 397 read with Sec.401 Cr. P.C. arises out of the order dated 18.4.2001, passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Jaipur by which the learned Judge has discharged the accused respondents of the offences u/s 3(1)(x) of the SC/ST (Prevention of Atrocities) Act (hereinafter to be referred to as the Act) and has sent the case to the learned Chief Judicial Magistrate for framing charges against the respondents for offence under Sections 323 and 342 IPC.

2. The petitioners are aggrieved by the order of the learned Special Judge so far it relates to the discharge of accused respondents from the offence u/s 3(1)(x) of the Act.

3. To constitute the offence u/s 3(1)(x) of the Act it must be proved that a person not being a member of SC/ST has intentionally insulted or intimidated with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view.

4. As per the complainant petitioner himself the alleged incident happened in the

office room, where the accused respondents alleged to have beaten the complainant and used humiliating and abusive language. The learned Special Judge while discharging the accused respondents has recorded a finding that the place shown in the site plan is not a place within public view.

5. It appears that the alleged humiliating words were uttered inside a room of a building i.e. the office and therefore, it is evident that the alleged words insulting the complainant were uttered inside a room of a building, which was not within the public view. In this view of the matter, the learned Special judge has rightly discharged the accused respondents from the offence u/s 3(i)(x) of the Act. The order impugned, therefore, calls for no interference.

Consequently, the revision petition being devoid of any merit, is hereby dismissed.