
(2014) 05 MP CK 0106
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 2311/1998

Pran Singh and Another

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 07-05-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 294
Securitisation and Reconstruction of Financial Assets and Enforcement of Security
Interest Act, 2002 (SARFAESI) — Section 3(1)(x)

Citation : (2014) 05 MP CK 0106

Hon'ble Judges : T.K. Kaushal, J

Bench : Single Bench

Advocate : Ramesh Tamrakar, learned counsel, Advocate for the Appellant; Y.D. Yadav, learned Panel Lawyer, Advocate for the Respondent

Final Decision : Allowed

Judgement

Tarun Kumar Kaushal, J.—In view of the order dated 3.3.2014 by which this appeal has already been abated against appellant no. 3 Durag Singh, no further order is required on it.

2. In view of the fact that this appeal is pending since the year 1998, with the consent of the parties, this matter is heard finally.

3. The aforesaid appeal has been directed against the judgment dated 23.9.1998 passed by Special Judge SC/ST, Sagar in Special Case No. 93/98, convicting appellants viz. Pran Singh and Thanedhar Singh u/s 294 of the IPC and Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act and sentencing them to R.I. for three months and R.I. for six months with fine of Rs. 100/- on each count respectively.

4. According to prosecution, on 21.9.1997 appellants and three others assembled and assaulted complainant Kanhaiyalal (PW2), who belonged to SC/ST and abused him in the name of caste also.

5. Learned counsel for the appellants submits that in the evidence of PW2, no specific allegations have been made against the present appellants. Allegations have been made against Durag Singh and Prem Singh, who have already died and against them this appeal is stood abated.

6. On perusal of the statement of PW2 and the FIR Ex. P/2, it is revealed that no specific allegations have been made against the present appellants. In the aforesaid statement, only vague allegations have been against the present appellants along with other main accused persons. In cross examination, in para-12, there appears material discrepancies in his statement in the manner of abuses.

7. On considering the evidence of other witnesses also, it appears to be a case of simple unintentional abuses on account of some dispute on agricultural matter. In so far as the simple abuses are concerned, nothing specific has come on record and in the present case no authentic caste certificate has been produced by the complainant, rather it is given by Sarpanch on a plain paper.

8. Considering the aforesaid evidence of prosecution, it appears discrepant and cannot be made basis of conviction of appellants. They are acquitted of the charge u/s 294 of the IPC and Section 3(1)(x) of the SC/ST.

9. Appeal is allowed.