

(2009) 10 RAJ CK 0022

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 1159 of 2009

Shri Prabhatiya

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-10-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 149, 379, 427, 447
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2009) 10 RAJ CK 0022

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—The petitioner has challenged the order dt. 14.07.2009 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Sawaimadhopur whereby the learned Judge has acquitted the respondent Nos. 2 to 7 from the offence under u/s 147, 447, 427 and 379 read with Section 149 of IPC and from offence under Sections 3(1)(v) and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

2. It is the case of the petitioner that the learned Judge has overlooked the site plan which clearly shows that the crop standing in the field was damaged. However, despite the said evidence available on record, the learned Judge concluded that "there is no evidence to prove that the crop standing in the field was damaged". Secondly, the petitioner happens to be a member of the Scheduled Caste community. Therefore, he is being oppressed by the accused persons. Because of the oppression, the petitioner finds it difficult to stay in the village.

3. A bare perusal of the impugned judgment clearly reveals that the learned trial Court has discussed the testimony of petitioner, Prabhatiya, in detail. According to the learned Judge, although the petitioner claims that he was assaulted with

dandas (bamboo sticks) and gandasi (a small axe), there is no injury report to corroborate his claim. Furthermore, no weapon has been recovered from the accused persons. Therefore, the learned trial Court concluded that the petitioner is an untrustworthy witness. As far as the damage to the crop is concerned, there is no cogent evidence to prove that the crop was, in fact, damaged by the accused persons. Hence, the learned Judge was justified in acquitting the accused persons.

4. The learned Judge has also noticed the fact that there was animosity between the petitioner and the accused persons. Therefore, the possibility of roping in the accused persons cannot be ruled out. This possibility is further strengthened from the fact that the complainant is unable to give specific number of persons who had allegedly assaulted him. Moreover, although he claims that Rehman was the person who had assaulted him, no challan was ever submitted against Rehman. Thus, his claim was discovered to be unreliable even by the investigating agency.

5. Considering the meticulously analysis of the evidence made by the learned trial Court, this Court does not find any perversity or illegality in the impugned order. In this view of the facts and circumstances of the case, there is no merit in the revision petition; it is, hereby, dismissed.