

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

244

CRR- 1672-2016  
DATE OF DECISION: 02.07.2025

**MOHINDER KUMAR**

.....PETITIONER

**Versus****SUBASH CHANDER**

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Jaswinder Singh Grewal, Advocate  
for the petitioner.

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**SANDEEP MOUDGIL, J**

1. The present revision has been filed, against the judgment dated 29.02.2016, passed by Additional Sessions Judge, Fazilka, whereby the judgment dated 21.07.2015 passed by Judicial Magistrate, Abohar has been upheld vide which the respondent has been acquitted in complaint bearing no. 34-2/18.04.2014 under Sections 3(I)(X)(XV) of SC & ST Act and 323, 504 and 506 of IPC, 1860.

2. **Background of the case**

That the complainant/petitioner a poor laborer belonging to the Doom Caste (a Scheduled Caste category), was subjected to caste-based abuse and physical assault by the accused/respondent, Subash Chander, on the date of the incident while he was working in the fields of Krishan Chander at Village Kullar. The accused/respondent used derogatory caste-based language and physically assaulted the complainant by slapping and punching him, all in the

presence of witnesses Anil Kumar and Balwant Ram. The entire incident occurred in a public place and in full public view.

3. **Contentions of Counsel for the Petitioner:**

Learned counsel for the petitioner argues that the Courts below failed to consider that the petitioner had established the case beyond reasonable doubt, and supported his allegations with credible and unshaken evidence. The courts, in a hasty and harsh manner, erroneously disregarded the material facts and the testimony of key witnesses who were present at the scene of occurrence.

He further vehemently argues that it was specifically stated and proven that the accused/respondent belongs to the Rajput community, a fact clearly reflected in the title and headnote of the case. However, both Courts below committed grave error by failing to take this fact into account, thereby ignoring the applicability of the relevant provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, the impugned judgments passed by the courts below are illegal, perverse, and against the settled principles of law, as they were passed without proper consideration of the material evidence on record.

4. Having heard learned counsel for the applicant/petitioner at length and going through the case file, this Court is of the considered opinion that there is no illegality or infirmity in the judgment passed by the trial court.

5. This Court has carefully examined the judgments rendered by the learned Trial Court and the Appellate Court and finds no perversity or illegality in the appreciation of evidence conducted therein. Both Courts, after thoroughly evaluating the oral and documentary evidence brought on record,

have rightly concluded that the complainant has failed to establish a prima facie case against the accused so as to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC/ST Act").

6. It has been categorically observed by the Courts below that there is insufficient material to substantiate the allegations made against the accused. Mere assertion of caste-based abuse, without credible corroborative evidence or independent witnesses firmly supporting such claims in accordance with the statutory requirements under the SC/ST Act, cannot lead to conviction. The Courts below have further rightly cautioned that allegations under the SC/ST Act, though intended to protect marginalized communities, are at times misused to settle personal scores, thereby resulting in unwarranted harassment of innocent individuals.

7. In the present case, the complainant has not produced any new material or compelling evidence that would justify interference with the concurrent findings of fact recorded by both the Courts below. The evidence of the prosecution witnesses, including the complainant himself, lacks the degree of reliability and consistency required for sustaining a conviction under the SC/ST Act. No substantial legal error or procedural irregularity has been shown that would vitiate the impugned judgments.

8. This Court is also conscious of the limited scope of interference available under its revisional jurisdiction. In case of '***Bannareddy vs. State of Karnataka reported in (2018) 5 Supreme Court Cases 790***', it is held as follows:-

*“10....It is well settled principle of law that the High Court should not interfere in the well reasoned order of the trial court which has been*

*arrived at after proper appreciation of the evidence. The High Court should give due regard to the findings and the conclusions reached by the trial court unless strong and compelling reasons exist in the evidence itself which can dislodge the findings itself.”*

9. The scope of revisional jurisdiction of the Court have been discussed by the Hon’ble Supreme Court in “***State of Kerala Versus Puttumana Illath Jathavedan Namboodiri***”, (1999) 2 SCC 425, wherein it has been held as under:

*“5. .... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ...”*

10. In another decision reported in, ‘***Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke***, (2015) 3 SCC 123’, the Apex Court held that the High Court in exercise of revisional jurisdiction shall not interfere with the order of the Magistrate unless it is perverse or wholly unreasonable or there is

non-consideration of any relevant material, the order cannot be set aside merely on the ground that another view is possible. Following has been laid down in para.14 (SCC p.135) :

*“14. .... Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 Cr.P.C is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaring unreasonable or where the decision is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, courts may not interfere with decision in exercise of their revisional jurisdiction.”*

11. Therefore, in the absence of any perversity, illegality, or miscarriage of justice, this Court finds no ground to exercise its revisional jurisdiction to disturb the well-reasoned judgments of acquittal passed by the Courts below.

12. In light of the above, the present revision petition stands dismissed.

02.07.2025  
*anuradha (a)*

**(Sandeep Moudgil)**  
**Judge**

Whether speaking/reasoned Yes/No  
Whether Reportable Yes/No