



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Appeal No. 508/1993

Lal Singh s/o Shri Nawal Singh, r/o Sovaniya, Tehsil, Bilara,  
District, Jodhpur(Raj.)

----Appellant

Versus

State of Rajasthan

----Respondent

For Appellant(s) : Mr. Anand Purohit, Sr. Adv.  
Assisted by Mr. Pradeep Bhakar  
For Respondent(s) : Mr. Surendra Bishnoi,AGA

**HON'BLE MR. JUSTICE FARJAND ALI**

**Judgment**

**Reportable-**

**29/01/2026**

1. By way of filing the instant appeal, the appellant assails the judgment and order dated 06.12.1993 passed by learned Judge, Special Court for SC/ST Cases, Jodhpur, in Sessions Case No. 102/93, whereby the appellant has been convicted under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The impugned judgment is assailed as being illegal, arbitrary and contrary to the facts and law on record, having been passed without proper appreciation of the evidence and applicable legal principles, thereby resulting in grave miscarriage of justice to the appellant.



### Facts of the Case

2. The prosecution case, in brief, is that on 27.07.1993, the complainant Shri Taja Ram, resident of Village Sovaniya, Tehsil Bilara, District Jodhpur, submitted a complaint before the Court of the learned Munsif and Judicial Magistrate, Bilara, alleging commission of an offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said complaint was forwarded to Police Station Bilara under Section 156(3) Cr.P.C., whereupon FIR No. 272/93 was registered on 07.08.1993. It was alleged that on 25.07.1993 at about 9:00 a.m., while the complainant was proceeding on foot near *Pichhka Kuwa*, the accused-appellant Lal Singh obstructed his way, abused him by uttering caste-related derogatory words including "Dhedh", and assaulted him with fists and blows, thereby humiliating him in public view. It was further alleged that the complainant belongs to a Scheduled Caste, whereas the accused is a member of an upper caste, and that despite the complainant's attempt to lodge a report on 26.07.1993, no action was taken by the police, compelling him to approach the Court.
3. Upon investigation, the police prepared the site plan and other relevant documents, recorded statements of witnesses, and filed a charge-sheet against the accused-appellant for offences under Section 504 IPC and Section 3(1)(x) of the SC/ST Act before the learned Magistrate, who committed the





case to the Special Court under Section 209 Cr.P.C. The prosecution examined nine witnesses, including the complainant. The accused-appellant denied the charges and took the defence that the complaint was falsely lodged due to a monetary dispute, as the complainant allegedly owed him money and, upon being asked to repay the same, implicated him falsely. However, after appreciation of the evidence on record and hearing the parties, the learned Trial Court convicted the accused-appellant under Section 3(1)(x) of the SC/ST Act and sentenced him to six months' simple imprisonment with a fine of Rs. 500/-, and in default thereof, to further undergo two months' simple imprisonment, giving rise to the present appeal.

4. Heard learned counsels present for the parties and gone through the materials available on record.
5. This Court has bestowed its anxious consideration upon the rival submissions advanced by learned counsel for the parties and has meticulously perused the entire evidence available on record, both oral and documentary.
6. PW-1 deposed that PW-9 Hathi Ram had accompanied him from his house and was present throughout. However, he candidly admitted that this fact was not recorded in his complaint and that he could not furnish any explanation as to why such a vital fact was omitted. The omission of a material circumstance relating to the presence of an alleged eye-witness in the earliest version creates a serious dent in





the prosecution story and raises a legitimate doubt regarding subsequent embellishment.

7. PW-1 also admitted that the accused-appellant Lal Singh does not own a flour mill and that the flour mill belongs to his brother, with whom Lal Singh lives separately. This admission assumes significance in light of the defence version as well as the testimony of PW-9, which suggests that the dispute arose over alleged milling charges. The inconsistency between the complainant's denial of any monetary dispute and the evidence emerging from other witnesses substantially weakens the prosecution case.
8. PW-1 denied the defence suggestion that the case was instituted due to a monetary dispute relating to Rs. 150/-. However, this denial stands contradicted by the testimony of PW-6 Aidan Ram, the Investigating Officer, who admitted during cross-examination that there existed a dispute between the parties with respect to money transactions. This admission by the Investigating Officer lends considerable support to the defence version and introduces a plausible motive for false implication.
9. PW-2 Gangaram, a prosecution witness, categorically stated that he was not present at the time of the incident, did not witness any quarrel, and was not informed about the occurrence by anyone. Significantly, this witness was neither declared hostile nor disbelieved by the prosecution. His





testimony, therefore, goes unchallenged and clearly does not advance the prosecution case.

10.PW-3 Jogaram and PW-5 Tulcharam are merely formal witnesses, whose role is confined to signing memos. They did not depose anything regarding the occurrence of the alleged incident and, therefore, do not provide any substantive corroboration to the complainant's version.

11.PW-4 Ghevar Ram stated that the complainant Teja Ram, PW-9 Hathi Ram, and he himself were together at the relevant time. However, he unequivocally stated that he did not see the accused and the complainant quarrelling or fighting. This witness was produced by the prosecution and was not declared hostile. In the absence of any challenge to his credibility, there exists no justification to discard his testimony. Rather, his statement directly negates the occurrence of the incident in the manner alleged.

12.PW-6 Aidan Ram, the Investigating Officer, admitted the existence of a monetary dispute between the parties. This admission assumes great relevance, particularly when read in conjunction with the defence version and the testimony of PW-9, and it further erodes the prosecution case of a spontaneous caste-based offence.

13.PW-7 Shiv Lal and PW-8 Bhaguram are witnesses of formal arrest only and their testimonies do not touch upon the occurrence or any ingredient of the offence alleged. Their





evidence is purely procedural in nature and does not aid the prosecution in proving the charge.

14. PW-9 Hathi Ram, projected as a crucial witness, introduced a completely different narrative. He stated that the incident occurred on 24.07.1993 near a public well (*Sarvajanik Kuwa*), whereas the typed complaint and prosecution case consistently assert that the incident occurred on 25.07.1993 near *Pichhka Kuwa*. The discrepancy regarding both the date and place of occurrence is material and not minor. Such contradictions go to the very foundation of the prosecution case and cannot be brushed aside as trivial inconsistencies.

15. PW-9 further stated that the accused demanded milling charges from the complainant, to which the complainant replied that he would inquire from his wife and pay if the amount was due, following which a dispute ensued. This version clearly establishes a monetary dispute as the genesis of the quarrel and does not support the allegation of intentional caste-based humiliation as contemplated under Section 3(1)(x) of the SC/ST Act.

16. On a cumulative assessment of the testimonies of PW-1 and PW-9, it emerges that there are multiple and irreconcilable inconsistencies regarding the place, date, cause, and manner of the alleged incident. The prosecution has failed to produce any independent witness who corroborates the essential





ingredients of the offence, particularly the requirement of intentional insult on the ground of caste in public view.

17. Another glaring infirmity in the prosecution case is the unexplained delay in lodging the FIR. The alleged incident is stated to have occurred on 25.07.1993, whereas the FIR came to be registered only on 07.08.1993, after a delay of nearly 13 days. The complainant admittedly did not approach the police immediately and instead moved the Court under Section 156(3) Cr.P.C. after deliberation. No satisfactory explanation has been furnished for this inordinate delay, which assumes significance in a case resting solely on oral testimony and alleged utterances.

18. It is also apposite to note that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is a special statute enacted with the avowed object of preventing atrocities and humiliation of members of the Scheduled Castes and Scheduled Tribes. A conviction under Section 3(1) (x) of the Act cannot be sustained unless the prosecution establishes, through cogent and reliable evidence, that the alleged insult or intimidation was intentionally directed against the victim because he belonged to a Scheduled Caste or Scheduled Tribe, and not on account of any personal, civil, or monetary dispute. Upon an overall appreciation of the evidence on record, it clearly emerges that the parties are residents of the same village and were engaged in routine





social and commercial interactions. The prosecution evidence itself discloses that the genesis of the dispute was the demand and non-payment of flour milling charges. When daily interaction at a flour mill is admitted, it becomes difficult to infer the existence of caste-based untouchability or deliberate humiliation on that ground alone. In the absence of clear proof that the alleged words or conduct were aimed at humiliating the complainant because of his caste, the essential ingredient of "atrocities" as contemplated under the Act remains unfulfilled. Mere use of abusive language or a quarrel arising out of a monetary transaction, even if proved, does not ipso facto attract the rigours of the SC/ST Act unless the prosecution discharges its burden of proving intentional caste-based oppression beyond reasonable doubt.

19. In view of the foregoing discussion, this Court is of the considered opinion that the prosecution has failed to establish the foundational requirement of Section 3(1)(x) of the SC/ST Act, namely, that the accused intentionally insulted or intimidated the complainant on the ground that he belonged to a Scheduled Caste, and that such act was committed with the object of humiliating him in public view. The evidence on record unmistakably indicates that the alleged altercation stemmed from a monetary dispute relating to flour milling charges and not from any caste-based animus. When the genesis of the dispute is personal or financial in nature, the mere fact that the complainant belongs to a Scheduled Caste





is insufficient to attract the penal provisions of the special statute. Consequently, the conviction of the accused-appellant under Section 3(1)(x) of the SC/ST Act cannot be sustained in law, as the essential ingredients of the offence remain unproved beyond reasonable doubt. The accused-appellant is, therefore, entitled to the benefit of doubt.

20. Consequently, this Court is of the considered opinion that the learned Trial Court fell into grave error in appreciating the evidence on record and in convicting the appellant. The impugned judgment suffers from serious legal infirmities and results in miscarriage of justice.

21. The appeal deserves to be allowed. Accordingly, the instant appeal is allowed. The impugned judgment dated 06.12.1993 passed by learned Judge, Special Court for SC/ST Cases, Jodhpur, in Sessions Case No. 102/93 is hereby set aside. The appellant stand acquitted of the charge under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. As the appellant is already on bail, their bail bonds are discharged.

22. However, in compliance with Section 437-A Cr.P.C., the appellants are directed to furnish a personal bond of ₹40,000/- along with one surety in the like amount before the trial court. The bond shall remain in force for six months to ensure the appellants presence before the Hon'ble





Supreme Court in the event a Special Leave Petition is filed against this judgment and notice thereof is received.

23.The record be transmitted back forthwith.

**(FARJAND ALI),J**

2-Mamta/-

