

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 955 of 2002**

- Smt. Shyam Bai @ Chanda Bai Wd/o Kanhaiya Kalar Aged 45, resident of Gautam Nagar, Supela, PS Supela Bhilai, Tah & Distt. Durg CG.

---- Appellant**Versus**

1. Smt. Puni Bai Kewntin, D/o. Not known, aged 38 years, Village Ramnagar, Police Station Rajnandgaon Distt. Rajnandgaon, CG.
2. State of Chhattisgarh

---- Respondents

For appellant	:	None present
For Respondent No.1	:	Shri Vinod Deshmukh, Advocate,
For Respondent No.2	:	Ms. Sangeeta Mishra, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09/03/2015**

This appeal is directed against judgment of acquittal dated 30.4.2002 passed by Judicial Magistrate First Class, Rajnandgaon in Criminal Case No.625/98, whereby and whereunder, the concerned trial Court acquitted accused respondent No.1 of the offence under Section 419 of the Indian Penal Code for cheating by personation.

2. By filing application under Section 378(4) of the Code of Criminal Procedure (for short 'the Code'), the appellant has prayed for leave to appeal against the order of acquittal.

3. There is no representation on behalf of the appellant when the case is called up for hearing.

4. Perused criminal appeal filed on behalf of the appellant and documents filed along with the criminal appeal and application for condonation of delay as the appeal has been filed after its limitation.

5. Heard parties present on application for Special Leave to Appeal along with application for condonation of delay in filing the appeal.

6. Upon perusal of the impugned judgment, it appears that no evidence has been adduced on behalf of the appellant/complainant against the accused Punai Bai that she cheated by personation as if she was Shyam Bai @ Chanda Bai, widow of Kanhaiya Kalar. Nothing adduced against respondent No.1 before the trial Court, hence, on account of zero evidence against respondent No.1, the trial Court acquitted her of the charges under Section 419 of the IPC. On bare perusal of the judgment and memo of appeal along with prayer to grant special leave to appeal, it is nowhere prima facie evident that any evidence ever adduced on behalf of the complainant before the trial Court for the ingredients of Section 419 of the IPC.

7. No sufficient cause is shown for condoning the delay in filing the appeal coupled with the fact that no evidence regarding the offence under Section 419 of the IPC ever produced before the trial Court. On due consideration, I do not find it a fit case to condone the delay for filing the appeal and also I do not find any ground to grant special leave to appeal against the order of acquittal. Hence, the appeal on its motion stage itself is dismissed as not maintainable.

Sd/-
JUDGE