

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 748 of 2015**The State Of Chhattisgarh Through - District Magistrate - Ambikapur,
District Surguja Chhattisgarh**---- Petitioner****Versus**

1. Dharmendra Keshri S/o Hribasant Keshri, Aged About 22 Years R/o Village - Balangi Op-Balangi, P.S. - Raghunathnagar District Balrampur - Ramanujganj Chhattisgarh
2. Ramesh Kol S/o Santbir Kol Aged About 28 Years R/o Village - Balangi Op-Balangi, P.S. - Raghunathnagar District Balrampur - Ramanujganj Chhattisgarh
3. Anand Keshri, S/o Haribasant Keshri Aged About 21 Years R/o Village - Balangi Op-Balangi, P.S. - Raghunathnagar District Balrampur - Ramanujganj Chhattisgarh

---- Respondents

For Petitioner/State:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondents:	None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****16/09/2015**

1. The present application has been filed for leave to appeal against order dated 23.2.2015 in Sessions Trial No.158/2013 passed by the Additional Sessions Judge, Ramanujganj acquitting the Respondents of the Charge under Sections 148, 332, 341, 307/149 IPC.
2. Learned Counsel for the State submits that the prosecution witnesses were police men on regular patrol duty. They apprehended the Respondents with illegal Indian made foreign liquor and when they were being taken to the Police Station, on the way, the police personnel were assaulted and one of

them was also attempted to be set on fire by pouring petrol oil on him followed by an assault with broken bottles etc on the others.

3. The Trial Court, after minute consideration of the evidence, was not satisfied that the prosecution had proved its case beyond reasonable doubt as there appeared several contradictions in the evidence of the prosecution witnesses. There was also no entry in the station diary with regard to the time when they proceeded on patrol duty or returned. Moreover, we find that the allegation is that the Respondents were apprehended with illicit Indian made foreign liquor. They were being taken along with the seized liquor when the occurrence is stated to have taken place. It does not appear in judgment under appeal that the seized liquor was marked as exhibit even.

4. We therefore find no reason to interfere with the acquittal.

5. The application for leave to appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE