

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 194 of 2008**

Ramadhar S/o Shri Kartik Ram, Aged about 45 years, R/o Birkoni, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant**Versus**

1. State of Chhattisgarh, Through Police Station Koni, District Bilaspur.
2. Rajesh Suryawanshi S/o Shoukhi Lal Suryawanshi, aged about 25 years, R/o village Birkoni, PS Koni, District Bilaspur, Chhattisgarh.

---- Respondents

For Applicant : None
 For Respondent/State : Shri Arun Sao, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay Agrawal, J.

Order on Board**Per Deepak Gupta, Chief Justice****15/11/2016**

1. On 17.08.2016, none appeared on behalf of the Applicant but we had not passed any adverse order. The matter was again listed on 01.09.2016 when Smt. Prabha Sharma, Advocate had appeared on behalf of the Applicant and sought adjournment. Today, when the matter is called out, none appears on behalf of the Applicant.
2. This criminal revision is directed against the judgment dated 29.10.2007 passed by the Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, Bilaspur, in Sessions Trial No. 54 of 2007 acquitting the Accused-Respondent No. 2 from the offence under Sections 294 and 307 of the Indian Penal Code.
3. The prosecution story, briefly stated is that on 11.08.2006 in between 12:00 noon and 01:00 pm, a *Dehatinalishi* (Exhibit P-4) was lodged in which it was

alleged that the Accused-Rajesh Suryavanshi had caused injuries to the complainant-Ramadhar with a cricket bat. On the basis of this *Dehatinalishi*, FIR (Exhibit P-5) was lodged. In the *Dehatinalishi*, it is mentioned that on 11.08.2006, the victim was sitting in his house. His daughter-in-law, Jyoti (PW-9) was also at home as was Baiha @ Ramkrishna Mehra (PW-3), a neighbour when he was attacked. Baiha @ Ramkrishna Mehra (PW-3) who, according to the prosecution, is stated to be an eyewitness, has not supported the prosecution version and has stated that the victim fell down and sustained the injuries.

4. No doubt, the story of the injury has been supported by the victim himself and his daughter-in-law but the learned Trial Court has come to the conclusion that the statement of the injured and the daughter-in-law cannot be believed because there are contradictions in their statements and also on the ground that the independent witness as named in the FIR has not at all supported the prosecution story.

5. This view taken by the learned Trial Court cannot be said to be a perverse view. While exercising revisional jurisdiction, this Court cannot set aside the acquittal and convert it into conviction. This Court under revisional jurisdiction can only see whether a case for re-trial is made out or not. In this case, no ground is made out for re-trial as all the relevant witnesses have been examined. The learned Trial Court has taken a view which is a plausible view.

6. We therefore find no merit in this revision petition. It is dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE