

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 844 of 2016

- State of Chhattisgarh, Through The Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Petitioner

Versus

1. Dashrath S/o Ramnath Sahu, Age 60 Years
2. Mahabati W/o Dashrath Sahu Age 55 Years
3. Urmila W/o Ramji Sahu Age 55 Years

All are R/o Village Khairbanakala, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondents

For Petitioner : Shri O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

09/08/2016

1. The present Criminal Miscellaneous Petition has been preferred challenging the order dated 06/08/2015 passed by the Judicial Magistrate First Class, Kawardha in Criminal Case No. 412/13 and also the order dated 21/12/2015 passed by the Additional Sessions Judge, Kabirdham (C.G.) in Criminal Revision No. 37/2015, both the orders the Court below has rejected the application for withdrawal of the prosecution by the State under Section 321 of Cr.P.C.
2. The contention of the State before the trial Court as well as the revisional Court was that the nature of offence registered against the

respondents were simple in nature and therefore the State authorities had filed for withdrawal of the prosecution on the recommendation of the Collector concerned. The trial Court as well as the revisional Court have reached to the conclusion that taking into consideration the factual matrix of the case, more particularly the fact that since all the material witnesses all been examined it does not appear to be delayed on account of prosecution neither the case where the complainant has made statement for settlement of the dispute out of Court or not supported the case of the prosecution. Therefore, the Courts below has rejected the application under Section 321 and the revision preferred against the rejection of the said application.

3. This Court is of the opinion that there is no strong and good case made out for interfering with the order passed by the two Courts below. The order passed by the two Courts below are self explanatory. The State has not been able to show any cogent ground on the basis of which it could be said the further proceeding with the case may not be fruitful or is left with of only academic interest. Thus for the forgoing reasons the CrMP being devoid of merits and is hereby rejected.

4. No order as to cost.

Sd/-

(P. Sam Koshy)
Judge

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