

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 362 of 2017**

- State of Chhattisgarh Through The Incharge, Police Station Pandri, District Raipur, Chhattisgarh.

---- Applicant

Versus

- Manoj Nishad S/o Shri Chowaram Nishad, Aged About 24 Years R/o Jaihind Chaowk, Lodhipara, Police Station Pandri, District Raipur, Chhattisgarh.

---- Respondent

For Applicant/State : Shri Ashish Shukla, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/10/2017**

1. Heard on application for leave to appeal as also on application for condonation of delay.
2. The present petition is against the judgment and order of acquittal dated 24.10.2016, whereby the respondent have been acquitted under Section 294, 506-B & 323 of the I.P.C.
3. Learned State counsel would submit that the order of acquittal is bad in law and sufficient ground exists to condone the delay.
4. I have perused the record.
5. The complainant Komal Sen in this case was examined as PW-1. He has stated that he was abused and assaulted by the accused and therefore, when he was assaulted he made a report and he was subjected to medical

examination. The said statement has not been supported by any independent witness and the other witnesses which were cited by the prosecution i.e. Bhageya Ram Sen (PW-2), Bhagat Ram Sen (PW-3) & Rukmani Bai (PW-4). They have stated that they have not seen the incident. Seizure witness Umesh Yadav (PW-5) have also not supported the case of the prosecution. The doctor O.P. Shrivastava, who was examined as PW-7 has only contended that no external injury was found except the complaint about some pain in the back. After considering such statements, the trial Court has acquitted the accused.

6. After going through the statements as also the reasons assigned by the State counsel to condone the delay of 38 days, I do not find any reason to condone the delay as also do not find any reason on merits to allow the application for leave to appeal.
7. Accordingly, the CRMP being devoid of merits is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu