

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.184 of 2016**

- Umesh Kumar S/o Parsuram Aged About 35 Years R/o Village Thagda Bandh, Padhnabhopur - Durg, Police Station Padhnabhpur Chowki, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. Satyendra Chauhan S/o Rameshwar Chauhan Aged About 41 Years R/o Village Thagda Bandh, Padhnabhopur - Durg, Police Station Padhnabhpur Chowki, District Durg, Chhattisgarh.
2. Smt. Shiv Kumari W/o Satyendra Chauhan Aged About 35 Years R/o Village Thagda Bandh, Padhnabhopur - Durg, Police Station Padhnabhpur Chowki, District Durg, Chhattisgarh.
3. Niraj Chauhan S/o Satyendra Chauhan Aged About 22 Years R/o Village Thagda Bandh, Padhnabhopur - Durg, Police Station Padhnabhpur Chowki, District Durg, Chhattisgarh.

---- Respondents

For the Petitioner : Shri Jitendra Gupta, Advocate
 For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

08.10.2018.

1. Heard on application for grant of leave to appeal under Section 378(4) of CrPC.
2. This appeal has been preferred against judgment of acquittal dated 23.11.2015 passed by Judicial Magistrate First Class, Durg (CG) in Case No.229/2013 wherein the said Court acquitted all the three respondents for the charges under Section 323 read with Section 34 of IPC for causing simple injury to Umesh Kumar and Shiv Kumar on 12.8.12 at about 10 pm at Thagda Bandh, Padmnabhapur, Durg.

3. In the present case victims are Umesh Kumar (PW-1) and Shiv Kumar (PW-2). Umesh Kumar (PW-1) deposed that respondent Satyendra Chouhan assaulted him by hands and fists but no medical evidence was adduced to establish that any injury was really caused to this witness. Shiv Kumar (PW-2) also deposed that Satyendra Chouhan assaulted him by fists and injured his left ear. Again no medical evidence is adduced to support the version of this witness. The case of the complaint is based on bald statement which is not supported by any medical evidence. The trial Court elaborately discussed the issue and came to a conclusion that the offence charged is not established. After reassessment of the evidence, this Court has no reason to record a contrary finding.

4. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE