

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1794 of 2017**

State of Chhattisgarh, Through the Incharge Police Station-
Lakhanpur, District- Surguja (C.G.) **---- Petitioner**

Versus

Larang Sai, S/o Jagan Harijan, Aged About 30 Years, R/o Village-
Kosma (Charpara), Police Station- Lakhanpur, District Surguja
(C.G.) **---- Respondent**

For State/ Petitioner : Mr. Lav Sharma, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

03/12/2018

1. Heard on I.A. No. 01/2017, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 107 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 02.05.2017 passed by Judicial Magistrate First Class, Ambikapur, District- Surguja (C.G.) in Criminal Case No. 114/2009, wherein the said court acquitted the respondent for commission of offence under Section 325 of IPC, 1860.

5. It is alleged by the prosecution that on the date of incident i.e. on 31.07.2005 in the evening at about 5:00 o'clock at Village-Kasga Charpara, the accused/ respondent assaulted the complainant- Nohar Sai by means of a club and broken a tooth of the complainant. Matter was reported and investigated and after completion of trial, the trial court acquitted the respondent from the charge as mentioned above.
6. Two witnesses have been adduced by the prosecution as eyewitness. Nohar Sai (PW-1) who is complainant, deposed that due to assault by club, his tooth was broken, but contrary to his version, Fulmet (PW-2) deposed that after assaulting by the respondent, the complainant- Nohar Sai felt down that is why his tooth was broken. Looking to the contrary version of the witnesses, the trial court opined that contradiction is material in nature which caused doubt on the version of the prosecution.
7. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge