

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.447 of 2018**

- The State Of Chattisgarh Through Police Station Anti Corruption Bureau, Raipur District Unit Bilaspur Chhattisgarh

---- Petitioner**Versus**

- Setram Patel S/o Govindram Patel Aged About 37 Years B. R. C. Coordinator Office, B. E. O. Kansabel, R/o Village Jaimura, Police Station Kharsiya, District Raigarh Chhattigarh

---- Respondent

 For the Petitioner/State : Shri Vivek Sharma, Govt. Advocate
 For the respondent : Shri Manoj Paranjpe, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

29.10.2018.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 78 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal is directed aged judgment of acquittal dated 09.8.2017 passed by Special Judge under the Prevention of Corruption Act, 1988 Jashpur Distt. Jashpur (CG) in Special Case No.01/2013 wherein the said Court acquitted the respondent of the charges under Sections 7 & 13(1)(d) read with Section 13(2) of the Act 1988.

5. As per the prosecution case, one complaint was made by Nandkishore before the Anti Corruption Bureau that a demand of Rs.12,000/- was made by Block Education Officer namely Biharilal Saral. From the statement of the complainant it is established that the demand was made by Biharilal. The case was investigated against Biharilal then it was revealed that when the complainant entered into the office of Biharilal, the complainant was asked by Biharilal to hand over the money to present respondent. Till then present respondent was out of screen. He was charged only on the ground that he received money on the saying of Biharilal.

6. The trial Court after evaluating the entire evidence, found that the respondent has no agreement with Biharilal in commission of illegal gratification or acceptance of illegal gratification. Looking to the entire evidence, this court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case. Therefore, it would not be proper for this Court to grant leave to appeal.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE