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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.628 of 2018**

State Of Chhattisgarh Through Police Station Aadim Jati
Kalyan (AJAK), Bilaspur, Distt. Bilaspur (CG)

---- Petitioner**Versus**

Manishankar Soni, S/o. Late Shri Lakhan Lal Soni, Aged
about 38 years, R/o. M/s. M.S. Soni Builders, Nehru Chowk,
Bilaspur, Police Station Civil Lines, Bilaspur, Distt. Bilaspur
(CG)

---- Respondents

For the Petitioner/State : Shri Vivek Sharma, Govt. Advocate
For the respondent : None

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 20 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 has been preferred against judgment of acquittal dated 25.11.2017 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Bilaspur Distt. Bilaspur (CG) in Special Case No.17/2015 wherein the said Court acquitted the respondent of the charge under Section

420 of the Indian Penal Code, 1860 and also under Section 3(i)(x) of the Act, 1989.

5. Charges were levelled on the ground that land in question is not a property of one Durgesh Singh but he hold the property of the complainant namely Smt. Nirmala Toppo. Upon evidence, it is established before the trial Court that the land bearing Survey No. 9/2011 area 1250 sq. ft situated at Patwari Halka No.20 at Rajkishore Nagar was recorded in the name of Durgesh Singh and when he was the record owner, he has all the rights to alienate the same property. Looking to the evidence, the trial Court opined that deceiving on the part of the respondent is not established in executing sale deed in favour of the complainant. Again it is established in the evidence that the house was constructed by the respondent and therefore, no case of deceiving of construction is also made out. Again the trial Court looking to the evidence opined that any altercation between the parties due to transaction of the land is different and the same is not on the basis of the caste therefore, intimidation or insulting on the basis of caste is also not established.

6. After going through the record, 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