

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1194 of 2018**

State of Chhattisgarh, Through- Station House Officer, Police
Station Nawagarh, District- Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

Suresh Sahu, S/o Subhash Chandra Sahu, aged about 44 years,
R/o Village Negurdih, Police Station- Nawagarh, District- Janjgir-
Champan (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Ramakant Pandey, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

30/08/2018

1. Heard on I.A. No. 01/2018, 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 37 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 4th January, 2018 passed by Special Judge (Electricity Act, 2003), Janjgir-Champa (C.G.) in Electricity Criminal Case No. 204/2016, wherein the said court acquitted the respondent for commission of offence under Section 138(B) of Electricity Act, 2003 and Section 304(A) of IPC, 1860.

5. As per case of the prosecution, the appellant provided illegal electricity connection to deceased Fekuram from his house in which he electrocuted on 29.05.2016 at about 6.30 p.m. and died during treatment.
6. To substantiate the charge, the prosecution examined as many as 9 witnesses. Jethu Ram Mahilange (PW-1), Janki Bai (PW-2), Phoolsai (PW-3) have not deposed that the deceased got illegal electricity connection from house of the respondent.
7. As per version of head constable Arun Kumar Singh (PW-6) (Para 9), no one stated before him that deceased got illegal electricity connection from house of the respondent. S.K. Bareth (PW-8) deposed (Para 4) that he has not seized any wire of electricity connection which was illegally connected.
8. The trial court has evaluated the evidence adduced by the prosecution in its entirety and came to conclusion that negligence on the part of the respondent is not established.
9. After going through the entire record, this Court has no reason to interfere with the finding recorded by the trial court and summoning the respondent.
10. Accordingly, application for grant of leave to appeal is liable to be and is hereby dismissed.
11. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge