

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1271 of 2018**

- State Of Chhattisgarh Through Police Station Kunkuri, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner

Versus

- Umesh Kumar Singh S/o S/o Late Shri Besan Singh, Aged About 45 Years Caste Kanwar, R/o Guturuma, Police Station Sitapur, District Ambikapur, Chhattisgarh. Present Address- Ranger Forest Department, Kunkuri, District Jashpur, Chhattisgarh.Accused., District : Jashpur, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

29/10/2018

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, same is allowed and delay of 45 days in filing the petition is hereby condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) of the Cr.P.C.
4. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 31.1.2018, passed by the Judicial Magistrate First Class, Kunkuri, District Jashpur (CG) in Cr. Case No.613/2012, wherein the said Court has acquitted the respondent of the charge under Sections 279,

337, 338 304A of the I.P.C.

5. It is alleged that the respondent dashed Indica Car of the complainant on 18.6.2012 by driving the Mahendra Bolero Jeep No. CG 15 B/ 5099 negligently and thereby caused injuries to Kalyani Sarkar, Kamlini Sarkar and Sanjay Kumar Gupta. The respondent is not named in the F.I.R. lodged by Sanjay Kumar Gupta on 18.6.2012.

6. Sanjay Kumar Gupta was examined as PW-1 before the trial Court and as per version of this witness, no Test Identification Parade was conducted by the Police in his presence. He had not named the appellant as driver of the offending vehicle. Kalyani Sarkar (PW2) and Kamlini Sarkar (PW3) are also unable to say that the respondent was driving the vehicle at the time of incident. Looking to the entire evidence, the trial Court opined that the charge against the respondent is not established and thereby acquitted the respondent of the above charges.

7. After going through the record, this Court has no reason to record a contrary finding than the finding recorded by the trial Court. It is not a case where the respondent should be called for full consideration of the case. Accordingly, the prayer for leave to appeal is rejected.

8. Consequently, Cr.M.P. stands dismissed.

Sd/-

(Ram Prasanna Sharma)

Judge

