

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1457 of 2018**

State of Chhattisgarh, Through- Station House Officer, Police
Station- Aarang, District- Raipur (C.G.)

---- **Petitioner**

Versus

Satte @ Nammu Dhimar, S/o Shri Roopu Dhimar, Aged About 35
Years, R/o- Village Gokhla, P.S.- Aarang, District- Raipur (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Vivek Sharma, G.A.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

08/10/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of Bodhan Sahu.
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 71 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 16.01.2018 passed by Judicial Magistrate First Class, Raipur (C.G.) in Case No. 623/2013, wherein the said court acquitted the

respondent for commission of offence under Sections 279, 337 & 338 of IPC.

5. As per case of the prosecution, Sukalu Yadav (PW-1) is victim of the case. It is alleged that the respondent by driving negligently and rashly tractor bearing registration No. CG-04 DT-8718 caused injuries on body of the victim -Sukalu Yadav on 12.04.2013 at about 7.00 p.m. near Odka canal, Aarang. Injured Sukalu Yadav is the only witness of the incident. Though, he deposed that the respondent dashed his cycle from back side, but in his cross-examination (Para 8), he deposed that he has not seen as to who was driving the tractor and who was owner of the tractor.
6. Raju Yadav (PW-2) deposed (Para 14) that he reached on the spot after 1 & ½ hour of the incident. Looking to the evidence of the injured himself, the trial court opined that guilt on the part of the respondent is not established. Looking to the entire evidence, this Court has no reason to substitute any contrary finding. It is not a fit 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.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge