

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1731 of 2018**

- State Of Chhattisgarh Through The Superintendent Of Police, Anti Corruption Bureau, Raipur (C.G.)

---- Petitioner**Versus**

- Seema Meshram W/o. Durga Prasad Mehsram Aged About 40 Years Patwari Ph No. 34, Ahiwara, Tahsil- Dhamdha, District- Durg Chhattisgarh

---- Respondent

 For the Petitioner/State : Shri Vivek Sharma, Govt. Advocate
 For the respondents : 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 44 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 26.02.2018 passed by Special Judge under Prevention of Corruption Act, 1988, Distt. Durg (CG) in Special Case No.15/2011 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 for demanding and accepting illegal

gratification to the tune of Rs.2000/- from complainant Heeralal Barle on 10.9.2009.

5. In the present case complainant Heeralal Barle died during the trial of the case and his statement could not be recorded. There is no shadow witness account to demand and acceptance. Case of the prosecution is based on the statement of complainant Heeralal Barle, but his statement could be recorded. As per the evidence currency notes were seized from kitchen garden of the house of the respondent and it was not seized from the physical possession of the respondent. Again when her hands were washed in the solution of Sodium Carbonate it did not turn into pink colour as per the evidence.

6. Looking to the entire evidence, the trial Court opined that the charges levelled against the respondent is not established. Looking to the evidence, this court has no reason to interfere with the the finding recorded by the trial Court. 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