

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1867 of 2018**

- Mahendra Kumar Chandrakar S/o Shri Maniram Chandrakar Aged About 33 Years R/o Village Farfaud, P.S. - Arang, District - Raipur, Chhattisgarh. (Complainant), District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Ferha Ram @ Motalu Dheemar S/o Shri Punit Ram Dheemar Aged About 40 Years R/o Village Farfaud, P.S. Arang, District - Raipur, Chhattisgarh. (Accused), District : Raipur, Chhattisgarh
2. Shambhu Dheemar S/o Shri Ferharam @ Motalu Dheemar Aged About 22 Years R/o Village Farfaud, P.S. Arang, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri P.K. Patel, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

13/9/2018

1. This is an application filed under Section 378 (4) of the Cr.P.C. for grant of leave to appeal.
2. The present petition has been preferred against the order dated 13.7.2018 passed by the Judicial Magistrate First Class, Raipur (CG), wherein the said Court has discharged the respondents of the charges under Sections 294, 323, 506 Part II of the I.P.C.
3. On perusal of the evidence, it appears that no medical expert was examined before the trial Court to substantiate the charge of voluntarily causing simple injury. From the statement of the complainant, it is not

established that he made allegations regarding utterance of obscene words by the respondents in his written report and determination to execute threat is lacking in evidence. Other witness Santram was also not able to state as to what was really happened on the spot at the time of occurrence. Looking to the entire evidence, the trial Court opined that the basic ingredients for commission of said offences are lacking, therefore, charge cannot be framed.

4. In absence of any incriminating evidence, this Court has no reason to interfere with the finding recorded by the trial Court. Accordingly, the prayer for grant of leave to appeal is rejected.

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

Sd/

(Ram Prasanna Sharma)

Judge