

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2002 of 2018**

- State Of Chhattisgarh Through -Police Station Shankergarh District Balrampur Ramanujganj Chhattisgarh

---- **Petitioner****Versus**

- Laxman Ram S/o Shri Lakhan Ram, aged about 33 years, R/o Village Shankergarh (Bajarpara) Police Station Shankergarh District Balrampur Ramanujganj Chhattisgarh

---- **Respondent**

For the Petitioner/State : Shri Lav Sharma, Panel Lawyer
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

29.10.2018.

1. Heard on IA No.01/17 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 45 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 24.4.2018 passed by Second Additional Judge to the Court of Additional Sessions Judge, Ramanujganj, Session Division Balrampur in Session Trial No.R.24/2016 wherein the said Court acquitted the respondent of the charges under Section 306 of Indian Penal Code.

5. In the present case name of the deceased is Devmuni who died after consuming poisonous substance on 03.02.2015 at village Bajvar. The deceased was wife of the respondent. Prabal Ram (PW-1) is the father of the deceased who is the resident of village Burjoodih and he deposed before the trial Court on the basis of information given to him by the deceased. Dilbodh Ram (PW-2) is also the resident of village Burjoodih. Parsuram (PW-3), Motilal (PW-5) & Smt. Misrai Bai (PW-6) are also the residents of village Burjoodih. Smt. Lalita (PW-7) is the resident of village Bagicha. Vifnath (PW-8) is the resident of village Burjoodih. Smt. Lakhrani (PW-11) is also the resident of village Burjoodih. All these witnesses are not the residents of village Bajvar where the incident took place. They have no occasion to see what had happened on the date of incident or prior to the date of incident in the village. Their version is based on the information received from other persons or from the deceased which is hear say in nature. It is settled law that hear say evidence is not admissible in evidence and the same cannot be acted upon.

6. The trial Court has elaborately discussed the entire evidence and recorded a finding of acquittal and this court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case again.

7. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE