

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2180 of 2018**

State of Chhattisgarh Through the Station House Officer, Police
Station Mulmula, District Janjgir Champa (CG)

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

Ravi Kumar Bhai S/o. Munna Bhoi, aged about 21 years, R/o.
Village Podibhata, PS Akaltara, Distt. Janjgir-Champa (CG)

---- **Respondent**

For the Petitioner/State : Shri Vinod Tekam, Panel Lawyer
For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

23.10.2018.

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 96 days in filing the petition is hereby condoned.
3. Heard on application for grant of leave to appeal under Section 378(4) of CrPC.
4. This appeal has been preferred against judgment of acquittal dated 20.3.2018 passed by Special Judge under the Electricity Act, 2003 Janjgir Champa (CG) in Criminal Electricity Case No. 113/2016 wherein the said Court acquitted the respondent for commission of offence under Section 139 of the Electricity Act and under Section 338 of the Indian Penal Code, 1860.

5. In the present case date of incident is 15.3.2016, report was lodged on the same day at Police Station Mulmula but no one was named as driver of the offending vehicle. In the FIR which was lodged by Jr. Engineer Vasudeva Sahu also name of the driver was not mentioned. Vijay Kumar Chelkar (PW-01), Assistant Lineman of Electricity Department, claimed before the trial Court that the respondent had driven the vehicle at the time of the incident but he is unable to explain as to why he has not informed his officer about the respondent and why he himself has not lodged FIR against the respondent. In absence of any explanation, it was not possible for the trial Court to record a finding of conviction against the respondent on the basis of the statement of this witness. No other evidence is a connecting piece of evidence against the respondent.

6. For fastening criminal liability the evidence should be beyond the shadow of doubt. But in the present case evidence against the respondent is not reliable. This Court has no reason to record a contrary finding than what is recorded by the trial Court. It is not a case where the respondent should be called for full consideration of the case.

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

SD/-
(Ram Prasanna Sharma)
JUDGE