

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2276 of 2018**

State of Chhattisgarh, Through- Police Station Balodabazar, District-
Balodabazar (C.G.)

---- **Petitioner**

Versus

1. Harelu, S/o Babulal Gouriya, Aged About 24 Years, R/o- Indra Colony, District- Balodabazar (C.G.)
2. Vimla Bai, W/o Harelu Gouriya, Aged About 20 Years, R/o- Indra Colony, District- Balodabazar (C.G.)

---- **Respondents**

For State/ Petitioner : Mr. Vivek Sharma, G.A.

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

22/11/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
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 115 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 12.03.2018 passed by Judicial Magistrate First Class, Balodabazar (C.G.) in Criminal Case No. 1020/2012, wherein the said court acquitted the respondents for commission of offence under

Sections 323 & 325 of IPC, 1860 for causing voluntarily grievous hurt to one Mukeshiya Bai and for causing voluntarily simple hurt to one Ganga Bai.

5. In the present case, both the injured persons were not examined before the trial court and only witness examined before the trial court is Ram Bai (PW-1) who did not depose anything against the respondents. Thus, evidence against the respondents is lacking for commission of the offence that is why the case resulted into acquittal.
6. This Court has no reason to record contrary finding. It is not a case where respondents 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