

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2354 of 2018**

State of Chhattisgarh, Through- Police Station AJK, Janjgir, District
Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

1. Priyesh Kashyap, S/o Chhatram Kashyap, Aged About 21 Years.
2. Dhananjay @ Sonu Kashyap, S/o Santosh Kashyap, Aged About 19 Years.

Both are R/o Village Ringani, Police Station Sheorinarayan,
District- Janjgir-Champa (C.G.)

---- **Respondents**

For State/ Petitioner : Mr. Lav Sharma, Panel Lawyer.

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

13/12/2018

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 132 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 15.03.2018 passed by Special Judge (SC/ST Act) Janjgir, District- Janjgir-

Champa (C.G.) in Special Session Case No. 18/2016, wherein the said court acquitted both the respondents for commission of offence under Section 3(1)(s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

5. In the present case, name of the complainant is Sameer Bhardwaj, but he did not depose before the trial court that any of the respondent abused him by caste name. The other witness namely Anup Kumar (PW-2) has also not supported version of the prosecution. The other witnesses have assisted during investigation after registration of FIR. There is no evidence against the respondents and finding of acquittal recorded by the trial court is based on evidence on record.
6. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondent 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