

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 223 of 2008

1. Mahesh Ram, S/o. Dhani Ram, aged about 30 years,
2. Ghana Ram, S/o Shankar Dayal, aged about 28 years,
Both R/o Village Sell, P.S. Kasdol, Tahsil-Kasdol, District Raipur, C.G.

---- Applicants

Versus

1. Bharat Lal, S/o Chheduram Sahu, aged 31 years,
2. Bedram, S/o Sukalu Sahu, aged 65 years,
3. Umashankar, S/o Bahur Sahu, aged 48 years,
All R/o village Sell, P.S. Kasdol, Tahsil Kasdol, District Raipur,
Chhattisgarh.
4. State of Chhattisgarh through Collector, Raipur, District Raipur,
Chhattisgarh.

---- Respondents

For the Applicants	: None.
For Respondents No.1 to 3	: None.
For Respondent No.4/State	: Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-12-2019

Heard.

1. This revision has been brought challenging the judgment dated 29.6.2007 passed in Criminal Appeal No.8 of 2007 by the Learned Second Additional Sessions Judge, Baloda Bazar, Chhattisgarh by setting aside the conviction against the respondents and passing order of acquittal in their favour.
2. The grounds raised in this petition are that the Learned Appellate Court has erroneously appreciated the evidence whereas, the prosecution has proved its case beyond reasonable doubt against the respondents, therefore, the impugned judgment is against the facts and

circumstances and provisions of law, which be set aside.

3. Respondents were accused in that case and there is no appearance in their behalf.
4. Perused the judgment of the trial Court in Criminal Case No. 1079 of 2002 decided on 30.5.2007 whereby the respondents have convicted under Sections 294 and 323/ 34 of the IPC. The respondents were sentenced with simple imprisonment for one month alongwith fine of Rs.500/- each for the offence under Sections 294 and 323/34 of the IPC with default stipulations.
5. Learned Appellate Court has held that the respondents have become entitled for benefit of doubt. Thus, the respondents were acquitted in the appellate judgment.
6. After perusing the evidence present in the record of the trial Court and considering on the findings given by the Appellate Court, I am of this view that the Appellate Court has not committed any error in appreciating the evidence of the prosecution. Therefore, there is no illegality, impropriety or incorrectness in the impugned order.
7. Hence, this revision petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge