

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 250 of 2019

State Of Chhattisgarh Through The Police Station Dongargarh, District
Rajnandga Chhattisgarh ----- **Petitioner**

Versus

Ranva @ Shakti Dewar S/o Gopal Aged About 30 Years R/o Village Medha,
Police Station Dongargarh, District Rajnandgaon Chhattisgarh

----- **Respondent**

For Petitioner/State : Mr. Subhash Yadav, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

06/03/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

Also heard on prayer for grant of leave to appeal.

1. Learned counsel for the State would argue that the learned Trial Court committed gross illegality in granting acquittal to respondent accused even for the sake of argument it is accepted that it was an accidental act of the snake falling on the shoulder of the victim, it would atleast be a case of commission of offence under Section 308 of IPC attempt to commit culpable homicide.

2. Radheshyam (PW2), the victim, has stated in his cross-examination that the respondent-accused caught a snake from the house of one Kamlesh and while he was going towards a *nala* to throw the snake away, the victim and others stopped him and raised a curiosity that the snake may be shown to them and at that time, the snake was attempting to slip away from the hands of accused and its finally succeeded in slipping away and fell on the shoulder of the victim and then he was bitten by the snake.

3. If we take this entire evidence as it is, it would at the most be an accidental

act, without involvement of intention or knowledge. The criminal overt act must be done intentionally. The evidence of the victim, himself, Radheshyam (PW2) shows that there was no intention on the part of the accused to throw snake on the body of the victim. The finding recorded by learned Trial Court, therefore, does not warrant any interference and no case for grant of leave to appeal is made out.

4. Accordingly, CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge