

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.249 of 2019**

- The State Of Chhattisgarh Through Police Station Nevra District Raipur Chhattisgarh.

---- Petitioner**Versus**

- Virendra Yadav S/o Gama Yadav Aged About 34 Years Permanent R/o Village Samoda, Police Station Rudrapur, District Devaria, Present R/o Village Mohrenga, Police Station Kharora, District Raipur Chhattisgarh.

---- Respondent

For the Petitioner/State : Shri Raghavendra Pradhan, Govt.

Advocate

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board****14.02.2019.**

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.
2. On due consideration, the application is allowed and the delay of 77 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition is preferred against the judgment of acquittal dated 06.7.2018 passed by Judicial Magistrate First Class, Tilda, Distt. Raipur (CG) in Criminal Case No.343/2017 wherein the said Court acquitted the respondent for the charges under Sections 279 & 338 of the Indian Penal Code for driving Hyva

vehicle bearing registration No.CG 12 U 1583 rashly and negligently causing grievous injury to one Goverdhan Banjare.

5. Droupati Banjare (PW-1) deposed before the trial Court that she was not present at the time of the incident, therefore, she is unable to say who was driving the vehicle. Dinesh Yadav (PW-2) also deposed that he reached to the spot after the incident, therefore, he is also not able to say who was driving the vehicle. He is also unable to say the registration number of the vehicle. Goverdhan Banjare (PW-3), Rajeshwari (PW-4) and Sushil (PW-9) also have no occasion to see who was driving the vehicle at the time of the incident and the number of the vehicle.

6. The trial Court after evaluating the entire evidence, recorded a finding of acquittal. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the matter.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE