

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.266 of 2018

Sukhdas Panika, son of Late Ratandas, aged about 37 years, resident of Village Manpahari, Mohalla Khaprakhol, Police Station Takhatpur, District Bilaspur

---- Applicant

versus

1. Mahetaru Ram, son of Anturam, aged 45 years,
2. Jaipal, son of Mahetaru Ram, aged 25 years,
3. Raspal, son of Mahetaru Ram, aged 23 years,

All residents of Village Manpahari, Mohalla Khaprakhol, Police Station Takhatpur, District Bilaspur

--- Respondents

For Applicant	:	Shri Vivek Shrivastava, Advocate
For Respondents	:	Shri Amit Kumar, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.2.2019

1. Heard on admission.
2. The instant revision has been preferred against the judgment dated 30.10.2017 passed by the Judicial Magistrate First Class, Takhatpur, District Bilaspur in Complaint Case No.467 of 2009, whereby the Judicial Magistrate First Class has acquitted the Respondents of the charge framed under Section 323/34 of the Indian Penal Code and Section 5 of the Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam.
3. The Applicant/Complainant filed a complaint case under Section

200 of the Code of Criminal Procedure before the Judicial Magistrate First Class. On 17.4.2006, the complaint was registered and cognizance of an offence punishable under Section 323 of the Indian Penal Code and Sections 4 and 5 of the Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam was taken by the Judicial Magistrate First Class. Charges were framed on 18.8.2017 for the offence punishable under Section 323 of the Indian Penal Code and Section 5 of the Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam. After trial, the Judicial Magistrate First Class, vide the impugned judgment dated 30.10.2017, acquitted the present Respondents of the charges framed against them. Hence, this revision by the Complainant.

4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. Before the Trial Court, the present Applicant examined himself as Complainant Witness No.2 and also examined his father as Complainant Witness No.1 Ratandas and one eyewitness Baisakhu as Complainant Witness No.3. Both the Complainant and his eyewitness Baisakhu have deposed that at the time of incident both were not present at the place of occurrence. Allegedly, some other witnesses were present at the time of incident, but they were not examined before the Trial Court. Therefore, on the above evidence, which is available on record, the Judicial Magistrate First Class did not find the offence proved beyond reasonable doubt. The finding of the Judicial Magistrate First Class is in accordance with the evidence available on record.
6. I do not find any merit in this revision. It is, therefore, dismissed at

the stage of admission itself.

7. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge