

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 645 of 2019**

State Of Chhattisgarh Through - Police Station, Kanker, District Uttar Bastar
Kanker Chhattisgarh ---- **Petitioner**

Versus

Lachchhan @ Laxman Netam, S/o Prabhu Ram Netam, Aged About 24
Years, Occupation Agriculture, R/o Village Pusawand, Police Sation Kanker,
District Uttar Bastar Kanker Chhattisgarh ---- **Respondent**

For Appellant/State : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****11/04/2019**

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.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Though learned State counsel would submit that there is an eyewitness to the incident, who stated regarding assault given by the respondent to the victim Prabhu Ram Netam (PW5), after having gone through the evidence of Prabhu Ram Netam (PW5), we find that the victim, himself, has not supported the prosecution case and only allegation is that the respondent had assaulted him with fist and victim sustained injury from a sharp object which was lying on the ground, because of which, he fell down.
2. In view of aforesaid evidence of the victim, learned trial Court had left with no other option but to grant benefit of doubt, which has been rightly done. Therefore, no ground is made out for grant of leave to appeal.
3. The present CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge