

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 657 of 2019

State of Chhattisgarh, Through- Station House Officer, Police
Station D.D. Nagar, District- Raipur, (C.G.)

---- **Petitioner**

Versus

Rampyari Sahu, W/o - Late Narottam Sahu, Aged about - 60 years,
R/o - Village Bharchatti, Police Station Berla, District- Durg, (C.G.)

Present Address :- Near Raipura, Ganesh Nagar, Pooja Kirana
Stores, House of Anil Sahu, P.S. D.D. Nagar, District- Raipur, (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Ravish Verma, Govt. Advocate

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/04/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing of instant petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in (1996) 3 **SCC 132**, the delay of 158 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 20th June, 2018, passed by Second Additional Judge to the Court of First Additional Sessions Judge, Raipur (C.G.) in Sessions Trial

No. 144/2017 wherein the said court acquitted the respondent for charge under Section 328 of the IPC, 1860, for causing hurt to the victim namely Anjali Pandey by poison.

5. In the present case, the victim Anjali Pandey started vomiting after drinking herbal tea prepared by the respondent. It is found that some poisonous substance was there, like Organophosphorus in the said herbal tea, that is why the respondent was prosecuted.
6. The core issue for consideration of the trial Court was that whether the respondent administered herbal tea with intent to cause hurt to the victim. There is no evidence to establish that any such poisonous substance was mixed in herbal tea by the respondent. It is the victim who asked the respondent to prepare herbal tea available in the kitchen and that is why she followed the direction of the victim as the respondent was maid in the said house. One CCTV camera, installed in the kitchen of the house, which was played before the trial Court, but it is not established that the respondent is responsible for mixing any poisonous substance in the said herbal tea. No any poisonous substance was found in the kitchen and it is not found in possession of the respondent.
7. The prosecution did not produce packet of said herbal tea nor produced any chemical report to prove presence of poisonous substance or pesticide in the said tea. Therefore, there is possibility of pesticide in the herbal tea.

8. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondent is not established. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge