

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 761 of 2019**

State of Chhattisgarh, Through- Police Station- Tikarapara, District- Raipur (C.G.)

---- **Petitioner**

Versus

1. Kallu Baghel, S/o Kuriya Baghel, Aged About 55 Years, R/o Dharam Nagar, Shankar Chowk, Police Station- Tikarapara, Raipur, Tahsil and District- Raipur (C.G.)
2. Chhotu Baghel, S/o Kallu Baghel, Aged About 28 Years, R/o Dharam Nagar, Shankar Chowk, Police Station- Tikarapara, Raipur, Tahsil and District- Raipur (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Ravish Verma, G.A.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

01/05/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the 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 175 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 02.06.2018 passed by Judicial Magistrate First Class, Raipur, District-

Raipur (C.G.) in Criminal Case No. 17977/2012, wherein the said court acquitted both the respondents for commission of offence under Sections 294, 323/34 & 506 (Part-II) of IPC, 1860.

5. In the present case, name of the complainant is Lakheshwar Prasad Soni, but he has not been examined before the trial court. One Ayub Khan was examined before the trial court, but his version is not sufficient to establish that the injuries were really sustained by the respondents. In absence of medical evidence, charge under Section 323 of IPC is not established. There is no evidence to say that the respondents used any obscene words or threatened the complainant. In absence of basic evidence, charge under Sections 294 & 506 (Part-II) of IPC is also not established.
6. The trial court has discussed the entire evidence and recorded finding of acquittal and after reassessing the same, this Court has no reason the record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge