

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 811 of 2019**

State of Chhattisgarh: Through Police Station- Palari,
District- Balodabazar (C.G.) **---- Petitioner**

Versus

Budharu Ratre, S/o - Bhandari Ratre, Aged about - 43 years, R/o-
Village- Charoda, Police Station- Palari, District- Balodabazar
(C.G.)

---- Respondent

For State/Petitioner : Shri V.B. Singh, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board**08/05/2019**

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 10 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 the judgment dated 27th November, 2018 passed by Judicial Magistrate First Class, Balodabazar (C.G.) in Criminal Case No. 1073/2012 wherein the said Court acquitted the respondent for charge under Sections 294, 506 and 323 read with Section 34 of the IPC, 1860.

5. In the present case, Jhulbai and Radheshyam are the complainant/victim of the case. Though Radheshyam deposed before the trial Court that the respondent assaulted him by club, but no medical evidence adduced by the prosecution in support of version of Radheshyam to establish that Radheshyam really sustained injury. In absence of medical evidence, the trial Court opined that causing voluntarily simple hurt has not established. The trial Court also opined that there is no evidence regarding uttering obscene words in public place or threatening to kill.
6. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal and after reassessing the same, 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. 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