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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.882 of 2019**

- State Of Chhattisgarh Through The Station House Officer, Police Station Baloda-Bazar, District Baloda Bazar-Bhatpara Chhattisgarh

---- **Petitioner****Versus**

1. Praveen Kumar @ Golu S/o Puneetram Chaturvedi Aged About 23 Years R/o Panchsheel Nagar, Police Station City Kotwali, Baloda-Bazar, District Baloda Bazar-Bhatpara Chhattisgarh
2. Muswa @ Rajesh S/o Mannuram Aged About 19 Years R/o Indira Colony, Police Station City Kotwali, Baloda-Bazar, District Baloda Bazar-Bhatpara Chhattisgarh

---- **Respondents**-----
For the Petitioner/State : Shri VB Singh, Panel Lawyer

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****13.5.2019.**

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 108 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition is preferred against the judgment of acquittal dated 27.8.2018 passed by Judicial Magistrate First Class, Baloda Bazar (CG) in Criminal Case No.391/2013 wherein the said Court acquitted the respondent for the charge under 323 read with 34, 506 Part-II and 294 of the Indian Penal Code, 1860 .

5. In the present case, name of the complainant is Dinesh Kumar Sahu. No one was examined before the trial Court for establishing charges including Dinesh Kumar Sahu. In absence of any evidence, the trial court recorded finding of acquittal. This court has no reason to record a contrary finding. It is not a case where the respondents should be called for full consideration of the matter.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE

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