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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1013 of 2019**

- State Of Chhattisgarh Through The District Magistrate District North Bastar Kanker Chhattisgarh.

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

- Smt. Laxmi Mandal W/o Motilal Mandal Aged About 45 Years R/o Village PV -6, Kamalpur, Police Station Pakhanjur, District North Bastar Kanker Chhattisgarh.

---- **Respondent**-----
For the Petitioner/State : Shri Ravish Verma, Govt. AdvocateFor the respondent : None
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****19.6.2019.**

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 34 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 13.11.2018 passed by Special Judge under the Electricity Act, 2003, North Bastar, Kanker (CG) in Special (Electricity) Case No.06/2018 wherein the said Court acquitted the respondent for the charges under 135 of Indian Electricity Act, 2003 and under Section 304A of the Indian Penal Code, 1860.

5. In the present case, name of the deceased is Manjit Mandal who was the nephew of the respondent. It is alleged that the respondent took illegal electric connection and live electric wire was there in the field of the respondent where the deceased came into contact of the live electric wire and got electrocuted.

6. To substantiate the charges, the prosecution has examined as many as 11 witnesses. No one deposed before the trial Court that the respondent took illegal electric connection and live electric wire found in the field of respondent is her act, therefore, there is no direct evidence against the respondent to connect her with the crime in question. Though Aminesh Banjare (PW-6) deposed that the wire was found in the field of Laxmi Mandal, but his evidence is not sufficient to connect the respondent that it is she who made illegal connection and responsible for laying of live electric wire in her field. As per the version of SR Sinha (PW-9), meter was disconnected from the house of the respondent on 06.4.2016. But he is not able to say that who really took the illegal electric connection.

7. On overall assessment, the trial Court opined that charge levelled against the respondent is not established. The respondent is charged with criminal act which requires concrete proof, that is not available in the present case. In view of this, this Court has no reason to record a contrary finding . it is not a case where interference of this Court is required. It is also not a case where the respondent should be called for full consideration of the matter.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE

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