

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1046 of 2019**

State of Chhattisgarh, Through: Station House Officer, Police
Station- Ambikapur, District- Surguja (C.G.)

---- **Petitioner**

Versus

1. Intaaf Ansari, S/o - Rojdin Ansari, Aged about - 42 Years, R/o-
Village- Ranpur Khurd, Near Takiya Majar, Police Station and
Tahsil- Ambikapur, District- Surguja (C.G.)
2. Saleem, S/o - Rojdin Miya, Aged about - 32 Years, R/o - Village-
Ranpur Khurd, Near Takiya Majar, Police Station and Tahsil-
Ambikapur, District- Surguja (C.G.)
3. Mohd. Mustak Ansari, S/o - Rojdin Miya, Aged about - 55 Years,
R/o - Village- Ranpur Khurd, Near Takiya Majar, Police Station
and Tahsil- Ambikapur, District- Surguja (C.G.)
4. Mohd. Sabir, S/o - Rojdin Miya, Aged about - 31 Years, R/o-
Village- Ranpur Khurd, Near Takiya Majar, Police Station and
Tahsil- Ambikapur, District- Surguja (C.G.)
5. Ishhak, S/o - Rojdin Miya, Aged about - 45 Years, R/o - Village-
Ranpur Khurd, Near Takiya Majar, Police Station and Tahsil-
Ambikapur, District- Surguja (C.G.)

---- **Respondents**

For State/Petitioner : Shri Afroj Khan, Panel Lawyer.

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

17/06/2019

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 116 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 6th September, 2018 passed by Judicial Magistrate First Class, Ambikapur, District – Surguja (C.G.) in Criminal Case No. 2559/2012 wherein the said Court acquitted all the respondents for charge under Sections 148, 294, 506 (Part-II) and 323 read with Section 149 of IPC, 1860.
5. In the present case, name of the complainant is Siddhant Mohammad. The complainant and any of his family member was not examined before the trial Court though a number of opportunities have been provided by the trial Court. The only witness before the trial Court is the investigating officer of the case, but the investigating officer deposed about investigation that it is done after registration of FIR. When substantive evidence of complainant and his family member was not on record, the trial Court opined that the charges leveled against the respondents are not established.
6. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the same, this Court has no reason to 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