

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1135 of 2019**

The State of Chhattisgarh, Through - Police Station
 Punjipathara, District - Raigarh, (C.G.) ----- **Petitioner**

Versus

Imtiyaz Khan, S/o - Daud Khan, Aged about - 41 years, R/o -
 Village Taraimal, P. S. Punjipathara, District - Raigarh (C.G.)

----- **Respondent**-----
 For State/ Petitioner : Mr. Ravish Verma, Panel LawyerFor Respondent : none
 -----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****25/06/2019**

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing of instant 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 85 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 16th October, 2018, passed by Judicial Magistrate First Class – Gharghoda, District - Raigarh (C.G.), in Criminal Case No. 891/2010, wherein the said court acquitted the respondent for charge under Section 304 A of IPC, 1860.

5. In the present case, the respondent was charge-sheeted on the ground that he failed to provide proper security to workers of Singhal Factory that is why on 6th July, 2010 at about 9:30 pm, Anand Ram Bhuihar sustained burn injuries due to fall of hot dust on his body and he succumbed to the injuries.
6. To substantiate the charge, the prosecution examined as many as three witnesses namely Karmuram (PW-1), Bhuneshwar Painkra (PW-2) and Girindra Kumar (PW-3). Karmu Ram (PW-1) and Bhuneshwar Painkra (PW-2) were not present at the time of incident. Girindra Kumar (PW-3) was also not able to say when the incident took place and who injured in the incident. All the witnesses have not proved that they were present in the spot and they had occasion to see what was really happened at the time of incident.
7. The trial court has elaborately discussed the entire evidence and recorded finding that charge against the respondent is not established. 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.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge