

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1126 of 2019

State of Chhattisgarh, Through - The Incharge Police Station
Punjipathra, District- Raigarh (C.G.)

---- **Petitioner**

Versus

Chhotelal Singh, S/o - Late Jogendra Singh, Aged about - 31 years,
R/o - Village and Post Chintavanpur,

Present Address - Singhal Colony Ispat Company Taraimal, P. S.
Punjipathra, District - Raigarh (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. V. B. Singh, Panel Lawyer
For 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 70 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 23rd October, 2018, passed by Judicial Magistrate First Class – Gharghoda,

District - Raigarh (C.G.), in Criminal Case No. 1012/2011, 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 was in-charge of Shyam India Private Company Limited and he was negligent in providing security to workers that is why one labor namely Prem Lal Tirkey fallen down in the said factory and succumbed.
6. To substantiate the charge, the prosecution examined only two witnesses namely Jairam Ekka (PW-1) and Bhupendra Thakur (PW-2). Jairam Ekka (PW-1) deposed before the trial court that he not able to say as to how the incident occurred. From entire evidence, it is not established that the incident occurred with Premlal is due to negligence on the part of the respondent. Bhupendra (PW-2) also deposed before the trial court that Premlal falls from walkway of the said factory, but it is not clear from his statement that any fault was committed by the respondent. For safety of said Premlal, both the witnesses admitted that the security was provided. There is nothing on record to say that the deceased died due to negligence of the respondent.
7. The trial court 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.

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

N.Mohle