

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1307 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station- Balco Nagar, District- Korba, Chhattisgarh.

---- Petitioner**Versus**

- Deokumar Kanwar S/o Tulsiram Kanwar Aged About 20 Years R/o Chaparbhata, Police Chowki- Rajgamar, Police Station- Balco Nagar, District- Korba, Chhattisgarh.

---- Respondent

For State :- Shri K.K. Singh, G.A.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board
By
Prashant Kumar Mishra, J.

23/07/2019

1. Heard.
2. On due consideration delay of 269 days in filing the appeal is condoned.
3. Accordingly, I.A. No. 01 of 2019, application for condonation of delay in filing the appeal is allowed.

4. The trial Court has acquitted the accused of the charges under Sections 324, 436 of I.P.C.
5. The accused and the informant / injured are real brothers. On some dispute between them a meeting of the Gram Panchayat was conveyed on the date of incident. When they were returning from the meeting altercation took place wherein the accused allegedly bite one finger of the injured and committed mischief by fire by putting on the hut of the informant on fire.
6. When examined in Court the witness namely; Shivkumar Kanwar (PW-1) has turned hostile, he has stated that he had not seen as to who set his house ablaze. Similarly, he admits in cross-examination that at the time of altercation he fell down and sustained injury. There being material contradiction and omission in the statement of witness, the trial Court has given benefit of doubt and acquitted the accused.
7. Having seen the evidence we are satisfied that the view taken by the trial Court is emerging from the evidence of record and the same is not perverse.
8. Accordingly, the CRMP deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge