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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1496 of 2019

The State of Chhattisgarh through Police Station Arjuni, District Dhamtari,
Chhattisgarh

---- Petitioner

versus

Amarjeet Shaini, S/o Hari Singh Shaini, aged about 55 years, R/o Shyam
Nagar, Behind Gurudwara, P.S. Telibandha, Raipur, District Raipur,
Chhattisgarh

--- Respondent

For Petitioner	:	Shri Alok Nigam, Government Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

5.8.2019

1. Heard on I.A. No.1 for condonation of delay of 28 days in filing the instant Cr.M.P. On due consideration of the reasons mentioned in the I.A., it is allowed and delay is condoned.
2. Heard on admission and perused the impugned judgment and the documents available.
3. Vide judgment dated 29.1.2019 passed by the Additional Sessions Judge, Dhamtari in Sessions Trial No.52 of 2017, the Respondent/accused has been acquitted of the charges framed against him under Sections 338 and 304 of the Indian Penal Code and Section 184 of the Motor Vehicles Act.
4. The allegation against the Respondent is that at the relevant time he was driver of the offending vehicle, i.e., a bus bearing registration No.CG 19 F 0226 and driving the said bus rashly and negligently he dashed motorcycle bearing registration No.CG 05 L 0211 as a result of which Sumitrabai died and Khemlal sustained

injuries. During trial, the prosecution examined as many 21 witnesses. In their Court statements, none of them has stated that at the relevant time, the driver of the offending bus was the Respondent. There is no evidence on record in this regard. Thus, the Trial Court has rightly acquitted the Respondent of the charges framed against him.

5. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge