

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1379 of 2018**

State of Chhattisgarh, Through: The Incharge, Police Station-
Seepat, District- Bilaspur (C.G.)

---- **Petitioner**

Versus

Chanchal Kumar, S/o Prakriti Ranjan Patra, Age 37 years, R/o
Ramagreen City, Quarter No. B/109, District- Bilaspur (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Raghvendra Verma, GA.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

09/01/2019

1. Heard on I.A. No. 01/2018, 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 170 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 17.11.2017 passed by Judicial Magistrate First Class, Bilaspur (C.G.) in Criminal Case No. 41/2014, wherein the said court acquitted the respondent for commission of offence under Section

304(A) of IPC, 1860 and Section 146/196 of Motor Vehicle Act, 1988.

5. It is alleged that the respondent was driving vehicle bearing registration No. UP-16 AA-5837 on 13.01.2014 at main road Matiyari rashly and negligently and caused death of one Bedin Bai.
6. Dwarika (PW-1), Ram Manoj (PW-2) and Balram Yadav (PW-3) have been cited as eyewitness account to the incident and as per their version, they have seen the incident, but no one reported the matter on the date of incident i.e. on 13.01.2014. It was reported after one month of the incident i.e. on 12.02.2014. In the FIR, name of informer is mentioned as deceased Bedin Bai which is not possible because said Bedin Bai died on 13.01.2014. If the persons cited as eyewitness have really seen the incident, they ought to have reported the matter, but that is not done by them.
7. The trial court after evaluating the entire evidence came to conclusion that looking to the delay of one month, there is every possibility of concocting the story, therefore, version of said witnesses is not dependable. The respondent himself appeared before the trial court and submitted insurance policy of the said vehicle which is unrebutted, therefore, there is no evidence to say that the vehicle was driving without insurance policy.
8. The finding arrived at by the trial court is based on relevant material placed on record and the same is not based on

irrelevant or extraneous matter. After going through the entire record, this Court has no reason to record contrary finding even if other view is possible. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.

9. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge