

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1760 of 2019

- State of Chhattisgarh, through- Incharge, P.S.- Palari, District- Baloda Bazar Bhatapara (C.G.) **----- Petitioner**

Versus

- Ballu Gayakwad, S/o- Lakhan Gayakwad, Aged about- 30 years, R/o- Village- Khaira, P.S.- Palari, District- Baloda Bazar Bhatapara (C.G.) **----- Respondent**

For State/Petitioner : Shri Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

17/12/2019

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 131 days in filing the instant 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 the judgment dated 27th November, 2018 passed by Judicial Magistrate First Class, Baloda Bazar (C.G.) in Criminal Case No. 226/2013 wherein the said Court acquitted the respondent for charge under Section 324 read with Section 34 of IPC, 1860.
5. In the present case, name of the victim/injured is Jeevan Kumar Ghritlahare. As per version of the prosecution, on 11th February, 2007 at about 13:30 pm at village- Lutudih the respondent/accused with his friend Kumar Satnami attacked on victim/Jeevan Kumar Ghritlahare and injured him on his hands,

palm and wrist badly. Matter was reported and investigated, appellant was charge-sheeted and convicted as mentioned above.

6. The prosecution has not examined the said victim namely Jeevan Kumar Ghritlahare. Though one Mangalu (PW-1) was examined before the trial Court, but he is not aware about any assault against the victim.
7. After evaluating the entire evidence the trial Court recorded finding that charge levelled against the respondent is not established in absence of evidence.
8. After going through the record, this Court has no reason to interfere with the order passed by the trial Court. It is not a case where respondent should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge