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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1796 of 2019**

- State Of Chhattisgarh Through The Police Station Jarhagaon, District - Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. Mochan Rai S/o Gokul Prasad Aged About 62 Years R/o Village Sarkanda, Bilaspur District Bilaspur Chhattisgarh.
2. Parikshit Suryavanshi S/o Prayaglal Suryavanshi, Aged About 39 Years R/o Village Torwa, Bilaspur, District Bilaspur Chhattisgarh.
3. R. K. Rathore S/o R. P. Rathore Aged About 62 Years R/o Bhartiya Nagar, Bilaspur, District Bilaspur Chhattisgarh.
4. Chandrakant Katakwar S/o Mahavir Prasad Katakwar Aged About 28 Years R/o Sonkar City Mungeli, District Mungeli Chhattisgarh.

---- Respondents

 For the Petitioner/State : Shri Ravish Verma, Govt. Advocate
 For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

14.11.2019.

1. Heard on IA No.01/19 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 52 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition has been preferred against judgment of acquittal dated 23.02.2019 passed by Additional Judge to the Court of Additional Sessions Judge, Mungeli (CG) in Session Trial

No.H-12/2018, wherein the said Court acquitted all four respondents for the charges under Sections 288, 337, 308/34 of the Indian Penal Code for negligent conduct with respect to pulling down or repairing buildings, for attempt to commit culpable homicide and for causing hurt to Gorelal Sahu, Dharmendra Banjare, Ram Prasad and Manish Kumar by their negligent act with respect to pulling down of some part of the ceiling.

5. To substantiate the charges, the prosecution has examined as many as 14 witnesses. No one named any of the respondents for negligently working for the building. As per the version of Maneesh Kumar (PW-8), contractor of the said building was one Manharan Sahu, but said Manharan Sahu was not implicated in the present case for the crime in question. The prosecution was under obligation to establish the negligent conduct of the respondents with respect to the building but from the entire records, negligence on their part is not established. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After going through the record this Court is of the view that it is not a case where interference of this Court is required. It is also not a case where the respondents should be called for full consideration of the petition.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE