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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1749 of 2018**

- State Of Chhattisgarh Through-- Police Station Ranitarai, District - Durg, Chhattisgarh

---- **Petitioner****Versus**

- Tikendra Kumar Sahu S/o Manharan Lal Sahu Aged About 23 Years R/o. Village Jamgaon, Police Station Ranitarai, District-Durg Chhattisgarh

---- **Respondent**

 For the Petitioner/State : Shri Vinod Tekam, Panel Lawyer
 For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

07.01.2019.

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This petition has been preferred against judgment of acquittal dated 26.5.2018 passed by Special Judge under the Electricity Act, 2003 Durg (CG) in Special Trial No.14/2016 wherein the said Court acquitted the respondent for the charges under Section 135 of the Electricity Act and under Section 304 A of the Indian Penal Code.
3. As per the prosecution case, one Ganesh Nirmalkar died on 25.9.2015 due to electrocution on the fountain which was installed by taking illegal electric connection. It is alleged that the said illegal electric connection was installed by the respondent.
4. To substantiate the charges the prosecution has examined as many as 14 witnesses. But no one deposed before the trial

Court that the respondent is the person who installed the fountain and supplied the electricity in the fountain by taking illegal connection. Therefore, there is no direct evidence to connect the respondent for installing the fountain through illegal electric connection. It is alleged that the respondent is the owner of the Laxmi Tent House, therefore, it can be presumed that he has installed the fountain by taking illegal electricity connection but the fact remains that the documents produced before the trial Court are not sufficient to show that the respondent is the owner of the Laxmi Tent House. Therefore, the respondent cannot be connected on the ground that he was the owner of the said tent house. The medical expert who conducted the autopsy of the deceased is unable to say that the deceased died due to electrocution. Therefore, medical evidence is also not incriminating piece of evidence against the present petitioner. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. This Court has no reason to substitute a contrary finding. It is not a case where the respondent should be called for full consideration of the petition.

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

**Sd/-
(Ram Prasanna Sharma)
JUDGE**