

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1846 of 2019**

- State of Chhattisgarh, through- Station House Officer, P.S.- Ambikapur, District- Surguja (C.G.) ----- **Petitioner**

Versus

- Nawal Gond, S/o- Mangal Sai Gond, Aged about- 34 years, R/o- Village- Sonpur, P.S.- Ambikapur, District- Surguja (C.G.) ----- **Respondent**

 For State/Petitioner : Shri Aman Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****04/12/2019**

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 216 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 18th September, 2018 passed by Judicial Magistrate First Class, Ambikapur, District- Surguja (C.G.) in Criminal Case No. 1054/2012 wherein the said Court acquitted the respondent for charge under Section 325 of IPC, 1860.
5. In the present case, the victim is Babulal but, he has not been produced before the trial Court and, therefore, evidence of complainant is not available on record. No other evidence is also available to substantiate the charge framed against the present

appellant. In absence of evidence, the trial Court recorded finding of acquittal.

6. After going through the record, this court is of the view that it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where the respondent should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge