

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1766 of 2018**

- State Of Chhattisgarh Through Police Station Chakradharnagar, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. Vishnu Prasad Sahu S/o Seturam Sahu Aged About 38 Years R/o Goverdhanpur, Police Station Chakradharnagar, Tahsil And District Raigarh Chhattisgarh
2. Devraj Sahu S/o Ramadhar Sahu Aged About 30 Years R/o Goverdhanpur, Police Station Chakradharnagar, Tahsil And District Raigarh Chhattisgarh

---- Respondents

For Petitioner / State : Shri K.K.Singh, G.A. for the State / petitioner.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****08/01/2019**

Heard on I.A.No.1, application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration of the grounds urged in the application, the application is allowed. Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned State counsel would argue that from the evidence on record, particularly that of the depositor proves that the depositors were deceived on a false representation and thereby induced to deposit a huge amount in the investment scheme of the company through the agents / accused and an evidence has come that the accused approached the investor and his family members and in this

manner, on a false representation made, the victims were made to invest huge amount.

We have gone through the impugned judgment and statement of the witnesses. Learned Trial Court has acquitted the respondent / accused giving them benefit of doubt, taking into consideration that in none of the documents in the company including the investment document, name of respondents / accused has come and that the money was directly deposited under the investment scheme of the company and that the respondents / accused were themselves one of the depositors.

The view which has been taken by the Trial Court is neither said to be patently illegal or perverse so as to call for interference by this Court against judgment of acquittal. The view which has been taken by the Trial Court is one of the view which could be taken in the matter. Moreover, we do not find that while acquitting the respondents, the Trial Court has omitted to take into consideration any clinching or incriminating evidence to make out a case of cheating under Section 420 IPC. Therefore, we are not inclined to grant leave to appeal. The application for grant of leave is therefore rejected. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge