

HIGH COURT OF CHHATTISGARH, BILASPUR

- State of Chhattisgarh Through - Police Station Dongargarh, District - Rajnandgaon Chhattisgarh.

Versus

1. Pramod Malekar S/o Umesh Malekar, Aged About 19 Years, R/o Rajiv Nagar, Ward No. 9, Dongargarh, Police Station Dongargarh District Rajnandgaon Chhattisgarh.
2. Rahul Borkar S/o Mukesh Borkar, Aged About 19 Years R/o Chhirpani, Rajiv Nagar, Ward No. 9, Dongargarh, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

For Applicant-State :- Shri R.S. Baghel, Dy. A.G.

Hon'ble Shri Gautam Chourdiya, JJ.

By

Prashant Kumar Mishra, J

13/08/2019

1. Heard on I.A. No.1, application for condonation of delay in filing the appeal as also on admission.
2. On due consideration, delay of 55 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.

3. The trial Court has acquitted the accused of the charges under Sections 436/34 of IPC.
4. According to the prosecution at about 3:30 pm on 19.11.2018 the accused persons put on fire the cycle repairing *Gumti* belonging to PW-3, Ranjeet Sahu. The said Ranjeet Sahu was not present on the spot but was informed about the incident by PW-1, Kartik Choudhary. The prosecution would further allege that PW-1, Kartik Choudhary, and PW-2, Taaran Sahu, have witnessed the incident, however, when examined in Court these two witnesses have turned hostile and have not supported the case of prosecution. Even the complainant, PW-3, Ranjeet Sahu, has turned hostile and has not named the present accused persons as the persons involved for setting his *Gumti* on fire.
5. Considering the nature and quality of evidence available on record the present is not considered to be a fit case for grant of leave to appeal.
6. Accordingly, Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit