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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1832 of 2018**

- State Of Chhattisgarh Through Police Station Samaripath, District Balrampur-Ramanujganj Chhattisgarh

---- Petitioner**Versus**

1. Gopal Prasad S/o Ramvriksh Sao Aged About 51 Years Occupation Agriculture, Village Tatijhariya, Thana Samripath, District Balrampur-Ramanujganj Chhattisgarh
2. Sarju Prasad Gupta S/o Ramvriksh Sao (Dead) Nil

---- Respondents

For Petitioner : Shri Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

11.01.2019

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 78 days in filing the petition is condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) Cr.P.C.
4. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 27.2.2018, passed by the 2nd Additional Judge to the Court of Additional Sessions Judge, Ramanujganj, District Balrampur (CG)

in Sessions Trial No. R 79/2014, wherein the said Court has acquitted the respondents of the charges under Sections 323, 306 r/w 34 of the IPC for abetment to commit suicide of one Vimla Devi. The respondents have been charge sheeted for the said offences on the ground that respondent Gopal Prasad assaulted the deceased Vimla Devi upon instigation by dead respondent Sarju Prasad due to which she committed suicide.

5. To substantiate the charge, prosecution has examined as many as 9 witnesses but one deposed before the trial Court that Gopal Prasad assaulted the deceased Vimla Devi. When no witness of the prosecution has supported the case of prosecution, there was nothing incriminating against the respondent.

6. The trial Court has elaborately discussed the entire evidence and came to the conclusion that the charges levelled against the respondent are not established. After re-assessing the evidence, 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 this petition/appeal. Accordingly, the prayer for leave to appeal is rejected.

7. Consequently, Cr.M.P. stands dismissed.

Sd/

(Ram Prasanna Sharma)

Judge

