

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1919 of 2019

State of Chhattisgarh, Through- Police Station- Urla District- Raipur,
(C.G.)

---- Petitioner

Versus

Chintaram Nishad, S/o- Lata Dhanuram Nishad, Aged about- 24
years, R/o -Village Urvara, Police Station Berla, District- Bemetara
(C.G.)

---- Respondent

For State/petitioner : Mr. Ravish Verma, Govt. Advocate

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

17/10/2019

1. Heard on I.A. No. 1/2019, which is an application for condonation of delay in filing the instant petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in (1996) 3 **SCC 132**, the delay of 55 days in filing the petition is condoned.
3. 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 judgment dated 14th February, 2019 passed by Judicial Magistrate First Class, Raipur (C.G.), in Criminal Case No. 10938/2014, wherein, the

said Court acquitted the respondent for charge under Sections 279, 337 & 304- A of the Indian Penal Code, 1860.

5. In the present case, only investigating officer namely Sadaram Parkar (PW-1) Head Constable was examined and no other witnesses were examined before the Trial Court who present at the time of accident.
6. In all, there is nothing on record to fastening liability on respondent for crime in question that is why the Trial Court recorded judgment of acquittal.
7. After going through the records, it is not a case where any interference of this Court is required. The Trial Court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondent is not established. After reassessing the same, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, this petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge