

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1840 of 2018**

State of Chhattisgarh, through: Police Station- Nandghat, District-
Bemetra (C.G.)

---- Petitioner**Versus**

1. Santosh, S/o Shri Gendlal Rathore, Aged About 22 Years, R/o Village- Girwar, Near Kanya Ashram, Police Station- Gaurela, District- Bilaspur (C.G.)
2. Sita Ram Rathore, S/o Shri Dhruv Lal Rathore, Aged About 20 Years, R/o Village- Bandhamuda, Police Station- Gaurela, District- Bilaspur (C.G.)
3. Suresh Rathore, S/o Bhedram Rathore (Declared Absconded)
4. Kanhaiya Lal @ Kanha Bajaj, S/o Shri Arjun Das Bajaj, Aged About 22 Years, R/o Ganjpara Belha, Atal Parajati Colony, Near Pani Tanki Gali No. 1, Bilaspur (C.G.)
Maharana Pratappur Chowk Mungeli Road, Bilaspur (C.G.)

---- Respondents

 For State/ petitioner : Mr. Vijay Bahadur Singh, Panel Lawyer.
 For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board****14/02/2019**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the 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 28 days in filing the 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 judgment dated 24th April, 2018 passed by Special Judge (Electricity Act 2003), Bemetara, District- Bemetara (C.G.) in Special Case (Electricity Act, 2003) No. 25/2013 wherein, the said court acquitted all the respondents for commission of offence under Sections 136 & 140 of the Electricity Act, 2003.
5. In the present case, the prosecution examined only two witnesses before the trial court namely Prakash Das Manikpuri (PW-1) and Assistant Engineer- Savinay Prasad Dwivedi (PW-2). Prakash Das (PW-1) deposed before the trial court that he made a report at Police Out Post- Maro, but he did not depose anything against the present respondents. Savinay Prasad Dwivedi (PW-2) also deposed about the report (Ex. P/5), but he also did not depose anything against the present respondents.
6. It is not a case where any of the respondent is seen by anyone regarding removal of L.T. wire measuring 400 meter, which is removed from transformer near Gulab Dhaba, Narayanpur. No L.T. wire was seized from any of the respondent as per evidence. There is absolutely no evidence to connect the respondents for crime in question.
7. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the

respondents is not established. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.

8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge