

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1883 of 2018**

- State Of Chhattisgarh Through Police Station- Urla, Raipur, District- Raipur, Chhattisgarh.

---- **Petitioner****Versus**

- Dwarika Prasad Verma S/o Charan Verma R/o Near Semariya Talab, Police Station- Dharsiwa, District- Raipur, Chhattisgarh.

---- **Respondent**

 For the Petitioner/State : Shri Raghavendra Verma, Govt.
 Advocate

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

11.01.2019.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 79 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition has been preferred against judgment of acquittal dated 03.02.2018 passed by Judicial Magistrate First Class, Raipur (CG) in Criminal Case No.663/2016 wherein the said Court acquitted the respondent for the charges under Sections 304 A, 297 and 337 of the Indian Penal Code, 1860 for causing death of Ramdev and also causing simple injury to

Santhosh by negligently driving the truck bearing registration No.CG 04 2274 on 07.02.2003 at 14-15 hours near Birgaon.

5. To substantiate the charges, the prosecution has examined as many as seven witnesses but none of the witnesses had identified the respondent as negligent driver of the truck at the time of the incident. The trial Court has elaborately discussed the statement of each of the witnesses and recorded finding of acquittal. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the petition.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE