

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1944 of 2019**

- State of Chhattisgarh, through- Station House Officer, Police Station- Purani Bhilai, District- Durg (C.G.)

----- Petitioner**Versus**

- Narayan, S/o- Sundar Singh- Aged about- 48 years, R/o- Atal Awas, Police Station- Purani Bhilai, District- Durg (C.G.)

----- Respondent

For State/Petitioner : Smt. Shubha Shrivastava, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****11/11/2019**

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 48 days in filing the instant 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 the judgment dated 13th March, 2019 passed by Judicial Magistrate First Class, Bhilai-3, District- Durg (C.G.) in C.I.S. No. 781/2013 wherein the said Court acquitted the respondent for charge under Sections 341, 294, 323 and 506 Part-II of IPC, 1860.
5. In the present case, name of the complainant/victim is Lata Bai (PW-1). Case of the prosecution is based on statement of Lata Bai (PW-1). After partial cross-examination this witness did not

come to the Court for remaining cross-examination. That is why her statement is incomplete. The trial Court recorded a finding that the conviction cannot be based on incomplete statement of the complainant. The view taken by the trial Court is based on record which is not liable to be interfered with invoking the jurisdiction of appeal. It is not a case where interference of this Court is required in the judgment of the trial Court. It is also not a case where respondent should be called for full consideration of this petition.

6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge