

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 292 of 2016

State of Chhattisgarh, Through: Station House Officer, Police
Station Shankargarh, District - Balrampur - Ramanujganj (C.G.)

---- **Petitioner**

Versus

Chatur @ Ramnarayan, S/o – Radheshyam, Aged about - 36
years, R/o - Village Sihaar, Police Station Shankargarh, District –
Balrampur - Ramanujganj (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. A. N. Bhakta, Dy. Advocate General
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07/05/2019

1. Heard on I.A. No. 01/2016, application for condonation of delay in filing of 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 68 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 10th September, 2015 passed by Additional Sessions Judge, Ramanujganj, District – Balrampur-Ramanujganj (C.G.) in

Sessions Trial No. 457/2010 wherein the said court acquitted the respondent for charge under Section 304 part-II of the IPC, 1860, for causing bodily injury to one Jeewanti by injecting her and by supplying tablets as medicine which resulting into her death on 19th July, 2010 at about 10:00 am at village Laduva, Police Station Shankargarh, (C.G.).

5. From the evidence, it is established that the respondent was working as Public Health Protector and in that capacity, he injected the deceased, who was suffering from sickness and supplied her said tablets to take orally.
6. The only question for consideration before this Court is whether death is caused due to injection and supplied tablets. Dr. Jagrani Lakra (PW-10) is medical expert and after getting report from forensic laboratory, it is found that Paracetamol *Gentamicine* Sulphate was found in viscera of the deceased, but the medical expert Jagrani is unable to give opinion that death was caused due to reaction of Paracetamol *Gentamicine* Sulphate. Only these two articles seized from the respondent, but as per expert opinion, the same is not cause of death of the deceased.
7. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondent is not established. After reassessing the entire evidence, 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, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

N.Mohle