

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 513 of 2018

Sumeet Sahu, S/o. Shri Chandra Shekhar Sahu, Aged About 27 Years, R/o. Village Bohardih, Tahsil Patan, P.S. Utai, District Durg, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh, Through the Police Station- Patan, District Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Shikhar Sharma, Advocate
For Respondent	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.01.2019

Heard

1. The present petition is against the finding recorded in an acquittal order dated 23.02.2017 wherein the petitioner has been acquitted under Section 394/397 of Indian Penal Code. While the acquittal order was passed, the Court observed that acquittal was passed for the reason giving the benefit of doubt to the petitioner.
2. Learned counsel for the petitioner submits that he is not aggrieved by the acquittal order and he do not want to go into merit of the evidence, he only challenged the finding that of benefit of doubt, which was given to the applicant.
3. Learned State counsel submits that under Section 397 of Cr.P.C., the Court in exercise of power under revision may examine the validity of the finding given in the order.
4. The argument advanced by the petitioner cannot be appreciated by invoking the power under Article 226 of the Constitution of India by evaluating the

entire evidence only by fencing the prayer made leaving apart the other fact.

Therefore, I am not inclined to entertain this petition so as to operate on a limited prayer and the fenced line prayed by the petitioner. The petitioner, if so advised, may seek remedy as available to him under the law.

5. In view of the above, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

ashok