

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2026 of 2019**

- State of Chhattisgarh, through- Station House Officer, P.S.- Korar, District- Uttar Bastar Kanker (C.G.)

---- Petitioner**Versus**

- Manish Kumar Dewangan, S/o- Arun Kumar, Aged about- 28 years, R/o- Village- Tarouda, P.S.- Balod, District- Balod (C.G.)

---- Respondent

For State/Petitioner : Shri Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****04/12/2019**

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 375 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 11th May, 2018 passed by Judicial Magistrate First Class, Link Court, District- Uttar Bastar, Kanker (C.G.) in Criminal Case No. 74/15 wherein the said Court acquitted the respondent for charge under Section 304-A of IPC, 1860 for rash and negligent driving of motor-cycle Passion-Pro bearing registration No. CG 05 V 4321 and causing death of one Smt. Kanchana Bai @ Hanchan Bai on 10th November, 2014 at about 02:00 pm at highway Katagaon.

5. To substantiate the charge, the prosecution examined as many as 8 witnesses. Bhagwan Singh (PW-1), Manabatin Kureti (PW-2) and Smt. Anushuiya (PW-8) deposed before the trial Court that they were not present at the time of incident. Though Baliram Komra (PW-4) deposed that vehicle was driven by the respondent and caused to death of Smt. Kanchana Bai, but in her earlier statement which this witness made before the investigating officer is that Manabatin Kureti (PW-2) and Smt. Anushuiya (PW-8) caught the person who was driving the vehicle and that is why he had occasion to identify the respondent, but Manabatin Kureti (PW-2) had not deposed before the trial Court that she caught the respondent on the spot. Version of Baliram Komra (PW-4) is rebutted by version of Manabatin Kureti (PW-2) and, therefore, version of Baliram Komra (PW-4) is not dependable. The trial Court elaborately discussed the entire evidence and recorded finding that charge levelled against the respondent is not established.
6. After going through the record, this Court is of the view that it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where the respondent should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge