

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2063 of 2019

The State of Chhattisgarh, Through- Police Station Ambikapur
District- Surguja (C.G.) **---- Petitioner**

Versus

Rambharos, S/o - Ram Charitra Panika, Aged about- 42 years,
R/o- Saraigahana, Police Station Baikunthpur, Koriya, District-
Koriya (C.G.) **---- Respondent**

For State/ Petitioner : Mr. Ishwar Jaiswal, Panel Lawyer
For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

16/10/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the 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 34 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 15th April, 2019 passed by Chief Judicial Magistrate, Ambikapur District- Surguja (C.G.) in Regular Criminal Case No. 4466/2012, wherein the said Court acquitted the respondent from the charge punishable under Section 304 (A) of the Indian Penal Code, 1860.

5. In the present case, the prosecution examined Ratanlal Sharma (PW-1), Santlal (PW-2) and Sarafraj (PW-3). Ratanlal (PW-1) deposed before the Trial Court that he heard a noise of dashing of the vehicle and reached to the spot, but he is unable to state as to which vehicle is involved in the accident. There is nothing in his statement to implicate the respondent with crime in question. The other witnesses are not an eye witness of accident and they have deposed regarding inspection of vehicle which is also not incriminating circumstances against the present respondent.
6. In all, there is nothing on record to fastening liability on respondent for crime in question that is why the Trial Court recorded judgment of acquittal.
7. After going through the records it is not a case where any interference of this Court is required. The trial court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondent is not established. After reassessing the same, 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