

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2039 of 2018**

- Jagdish Satnami S/o Hem Lal Satnami Aged About 56 Years R/o Village Arand, Police Station Rajim, District - Gariyaband, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Police Station Rajim, District - Gariyaband, Chhattisgarh.
2. Ramadhar Satnami S/o Premlal Satnami Aged About 65 Years R/o Village Arand, Police Station Rajim, District - Gariyaband, Chhattisgarh. ----(Accused)

---- Respondents

 For the Petitioner : Shri Shikhar Sharma, Advocate
 For respondent No.1/State : Shri VB Singh, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10.01.2019.**

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the delay of 182 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(4) of CrPC.
4. This petition has been preferred against judgment of acquittal dated 13.3.2018 passed by Additional Sessions Judge, Gariyaband (CG) in Criminal Case No.05/2016 wherein the said Court acquitted the respondent for the charge under Section 379 of the Indian Penal Code, 1860 for dishonestly removing three

bags of paddy from the possession of the complainant namely Jagdish.

5. Though the complainant has reported the matter in the police station, but he was not the eyewitness account of the incident. Udhoram (PW-2), Tejkumar (PW-3) and Rajuram (PW-5) were claimed to be the eyewitness account of the incident, but they have not reported the matter to the police station. From their statement it is clear that they have not intervened when the paddy was removed from the field of the complainant and no explanation was given as to why they have not intervened when the paddy was removed from the field of the complainant. The trial Court has elaborately discussed the entire evidence and came to conclusion that the evidence of the said eye witnesses are not reliable and it is not safe to act upon the statement of these witnesses. After reassessing the entire evidence, this Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the petition.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE