

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2060 of 2018**

State of Chhattisgarh: Through The District Magistrate,  
District- Baloda Bazar (C.G.)

---- **Petitioner**

**Versus**

Santosh Kumar, S/o - Bhupendra Verma, Aged about - 22 years,  
R/o - Village Palari, Police Station – Palari, District -  
Baloda Bazar (C.G.)

---- **Respondent**

-----  
For State/Petitioner : Shri Ravish Verma, Govt. Advocate.  
For Respondent : None.  
-----

**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order On Board**

**10/05/2019**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the 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 84 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 the judgment dated 22<sup>nd</sup> March, 2018 passed by Judicial Magistrate First Class, Baloda Bazar (C.G.) in Criminal Case No. 927/2015 wherein the said Court acquitted the respondent for charge under Sections 279, 338 and 304-A of IPC, 1860 for driving vehicle bearing registration No. CG 04 B 4521

rashly and negligently and causing injury to Kamlesh and Dhaniram causing death of one Abhilash Banjare.

5. Kamlesh (PW-1) & Dhaniram (PW-2) being the injured are the real witnesses to the incident, but both have not supported version of the prosecution. From their evidence, it is not clear as to whether respondent was driving the vehicle at the time of incident. Both have not stated registration number of the vehicle which caused injury to them. Seizure witness namely Satrugan Verma (PW-3) and Laharam Verma (PW-5) have also not supported factum of seizure. One Sukhdev Kosle (PW-4) deposed before the trial court that he has no knowledge about the incident.
6. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal. 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. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

**Sd/-**  
**(Ram Prasanna Sharma)**  
Judge