

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2111 of 2019

- State of Chhattisgarh, through- Station House Officer, Police Station- Ambikapur, District- Surguja (C.G.) ----- **Petitioner**

Versus

- Ramesh Kumar Agrawal, S/o- Shri Mahavir Prasad Agrawal, Aged about- 35 years, R/o- Braham Road, Ambikapur, District- Surguja (C.G.) ----- **Respondent**

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

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

24/10/2019

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is directed against the judgment dated 27th November, 2018 passed by Judicial Magistrate First Class, Ambikapur, District- Surguja (C.G.) in Criminal Case No. 562/2010 wherein the said Court acquitted the respondent for charge under Sections 182 and 211 of IPC, 1860.
3. It is alleged that the respondent gave false information to Police Station Kotwali that Priya Agrawal and Kailash Agrawal used obscene words in public place and enraged him and it was sent through mobile No. 9406445054. The trial Court after assessing the entire evidence recorded finding that mobile No. 9406445054 in which the message was sent is not seized. In the present case one other mobile number in which message was sent is also not seized. Sim cards of both the mobile numbers are not seized and there is no evidence that the appellant got sim card after giving

forged signature and the complaint is lodged under Section 182 by Inspector K.K. Nag, but he did not appear in witness box before the trial Court to depose regarding commission of offence. Cognizance for offence under Section 182 can be taken only on written complaint of public servant as per Section 195 of Cr.P.C., but the public servant who lodged the complaint has not appeared before the trial Court. Evidence regarding other facts is also not established before the trial Court.

4. After evaluating the entire evidence the trial Court recorded finding that giving false information by the respondent is not established.
5. After going through the record, this court has no reason to interfere with the order passed by the trial Court. It is not a case where respondent should be called for hearing again for full consideration of this petition.
6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge