

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2190 of 2018**

- State Of Chhattisgarh Through Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Petitioner**Versus**

1. Amar Sai Korwa S/o Meghnath Sai Korwa Aged About 27 Years R/o Village- Chhirodi, Police Station- Sanna, District- Jashpur, Chhattisgarh.
2. Raju Kindo S/o Bhoko Kindo Aged About 32 Years R/o Village- Chhirodi, Police Station- Sanna, District- Jashpur, Chhattisgarh.
3. Bhajan Kujur Ram S/o Jhalku Ram Aged About 33 Years R/o Village- Chhirodi, Police Station- Sanna, District- Jashpur, Chhattisgarh.
4. Salik Ram S/o Bhiku Ram Aged About 27 Years R/o Village- Chhirodi, Police Station- Sanna, District- Jashpur, Chhattisgarh.
5. Matru Nageshiya S/o Sadhu Ram Nageshiya Aged About 28 Years Occupation- Agriculture, R/o Village- Ambakona, Police Station- Sanna, District- Jashpur, Chhattisgarh.
6. Chhappi Ram Uraon @ Chaman S/o Late Lolo Ram Aged About 49 Years Occupation- Agriculture, R/o Village- Mahuadih Bichtola, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.
7. Bokha Prajapati (Kumhar) S/o Basant Kumhar Aged About 44 Years R/o Village- Jamhor, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondents

 For the Petitioner/State : Shri Veer Bahadur Singh, Panel
 Lawyer.

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

15.01.2019.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of**

Haryana Vs. Chandra Mani & Ors. reported in **1996 3 SCC 132**, the delay of 06 days in filing the petition is hereby condoned.

3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.

4. This petition has been preferred against judgment of acquittal dated 22.6.2018 passed by Second Additional Judge to the Court of Additional Sessions Judge, Ramanujganj in Sessions Trial No.R.89/2014 wherein the said Court acquitted the respondents for the charges under Sections 147, 148, 435 read with 149 of the Indian Penal Code, 1860 and under Section 25(1) (b) and 27 of the Arms Act, 1959 and under Section 23(2) and 38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967.

5. Mohd. Alim (PW-2), Mohd. Mansoor Ansari (PW-3), Ramdas (PW-4), Sanjay Kumr (PW-6), Shyamlal (PW-5), Rajkumar (PW-1) and Farid (PW-7) have not supported the version of the prosecution. All these witnesses have not identified any of the respondents for being member of the unlawful assembly or for any criminal act. Though the fire arms and cartridges were alleged to have been seized from the respondents, as per the version of Asst. Sub Inspector RL Tonde (PW-11) it was examined by ballistic expert, but the fire arms and cartridges were not produced before the trial Court and it was not exhibited. Looking to the entire evidence, the trial Court opined that in absence of exhibits of fire arms and cartridges, they are not the part of the evidence and it is excluded from the evidence and other evidence are not incriminating piece of evidence against the

respondents and their charges are not established. 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**