

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 59 of 2019**

- State Of Chhattisgarh Through- Police Station Lalbagh, District- Rajanandgaon, Chhattisgarh.

---- Petitioner

Versus

- Sheet Basant S/o Goverdhan Gond Aged About 21 Years R/o- Village Jangaleshwar, Police Station Lalbagh, District- Rajnandgoan, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri K.K. Singh, G.A.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**

Order On Board**By****Prashant Kumar Mishra, J.****15/10/2019**

1. On due consideration delay of 02 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges

under Sections 294 and 307 of I.P.C. while convicting was under Section 324 and 323 (twice) of I.P.C.

3. Accused inflicted injuries over the person of Bhuneshwar Chandrakar, Seema Chandrakar and Khileshwari Chandrakar at about 9:45 on 01.01.2017 by means of knife used for cutting *Datun* while Khileshwari and Seema have received simple injuries as they were assaulted by hand and fist, Bhuneshwar was caused injuries by means of knife. He was medically examined by Dr. Y.K. Tiwari (PW-14). The said witness has not stated that the injury sustained by Bhuneshwar was sufficient to cause death in ordinary course of nature. The injury was not sustained by any bony injury. Thus, in view of the statement of Dr. Y.K. Tiwari, the trial Judge has rightly acquitted the accused under Sections 294 and 307 of I.P.C.

4. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge