

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 93 of 2018**

State of Chhattisgarh, through: Station House Officer, Police
Station Ramanujganj, District - Balrampur-Ramanujganj (C.G.)

---- Petitioner**Versus**

1. Sohan, S/o - Late Buttu Ram, Aged about - 43 years, R/o – Village Bulgaon, Police Station Ramanujganj, District - Balrampur- Ramanujganj (C.G.)
2. Nanku Ram, S/o -Late Buttu Ram, Aged about - 41 years, R/o - Village Bulgaon, Police Station Ramanujganj, District - Balrampur- Ramanujganj (C.G.)

---- Respondents

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

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****26/03/2019**

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 74 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 judgment dated 11th July, 2017 passed by the Second Additional Sessions Judge, Ramanujganj, District – Surguja (C.G.) of the Court of Additional Sessions Judge, Ramanujganj in Sessions Trial

No. R47/2016 wherein the said Court convicted the respondents for charge under Sections 294, 323 read with Section 34 of IPC and sentenced to fine of Rs. 500/- each.

5. In the present case, the injured are Bajrang Sonwani (PW-1) and Sakindra (PW-4). Version of both witnesses are supported by version of Dr. Snehlata Tirkey (PW-7) who examined both the injured. It is established that both injured sustained simple injury. For causing simple injury by the respondents, the offence under Section 323 of IPC is made out, wherein, jail sentence is not compulsory for which the Trial Court awarded sentence of fine.
6. The other charge regarding sections 294 and 325, there is no evidence that any specific obscene words were uttered by any of the respondents, therefore, there is no substance to establish the charge 294 of IPC. There is no substance for causing grievous injury, therefore, the charge under Section 325 of IPC is not established. The Trial Court after assessing the evidence recorded finding of conviction for commission of offence under Section 323 of IPC.
7. From the evidence of all these three witnesses, it is not clear as to how and where the words uttered by any of the respondents. In absence of actual words, it can not be determined whether the words uttered were obscene or not.
8. The trial Court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondents are not established. After reassessing the entire evidence, this Court has no reason to record contrary finding.

It is not a case where respondents should be called for hearing again for full consideration of this petition.

9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge