

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2319 of 2018**

- State Of Chhattisgarh Through- Police Station Telibandha, District- Raipur, Chhattisgarh.

---- Petitioner**Versus**

- Jeevanlal Sahu S/o Sevakram Sahu R/o- Village Tuta, Police Station Abhanpur, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

 For the Petitioner/State : Shri Raghavendra Verma, Govt.
 Advocate

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

08.01.2019.

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 31 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 05.5.2018 passed by Judicial Magistrate First Class, Raipur (CG) in Criminal Case No.451/2004 wherein the said Court acquitted the respondent for the charges under Section 304A of the Indian Penal Code, 1860.

5. As per the version of the prosecution, the respondent along with his colleagues Heeralal Dhruw and Bheema Manikpuri were doing house construction on contract basis situated at village Jora and when the wood centering was taking out, the same fell and one labour Dhanara was crushed under the said centering and he died.

6. To substantiate the charges the prosecution has examined as many as 4 witnesses. Heeralal Baghel (PW-1), Praveen Kumar Baghel (PW-2) and Mahesh Mahilang (PW-3) have not supported the version of the prosecution. They did not state that the deceased died due to fall of wood centering. There is no connecting piece of evidence regarding negligence on the part of the present respondent.

7. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the entire evidence, this Court has no reason to substitute a contrary finding. It is not a case where the respondent should be called for full consideration of the petition.

8. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE