

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2293 of 2019

- State of Chhattisgarh, through- Station House Officer, P.S.-
Dhourpur, District- Rajnandgaon (C.G.) ----- **Petitioner**

Versus

1. O.P. Dhamai, Tahsildar, Tahsil Rajpur, Present Address- District-
Bastar (Jagdalpur) (C.G.)**(Absconder)**
2. Rampravesh Yadav, Patwari H.No. 09, Village- Sidhma, Present
Address- Village- Ghatgaon, P.H. No. 12**(Absconder)**
3. Sanjay Singh Paikra, Patwari H. No. 13, Village- Bakna Khurd
4. Chandhu, S/o- Phuleshwar Lohar, Village- Sidhma
5. Dashmet Bai, W/o- Chandhu Lohar, Village- Sidhma, District-
Surguja (C.G.) ----- **Respondents**

For State/Petitioner : Smt. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

10/12/2019

1. Heard on I.A. No. 01/2019, which is an application for
condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the
application, delay of 61 days in filing the instant 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 the judgment dated
27th April, 2019 passed by Judicial Magistrate First Class,
Ambikapur, District- Surguja (C.G.) in Criminal Case No.
306/2012 wherein the said Court acquitted respondents No.
3 to 5 for charge under Section 193 read with Section 34 of IPC,
1860 for giving false evidence in a criminal case filed under
Section 354 of IPC, 1860 and Section 3(1)(x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The trial Court issued summons to all the prosecution witnesses, but from the record it appears that no witness was produced before the trial Court for examination. The trial Court closed the opportunity of adducing evidence of prosecution and as there was no evidence, recorded finding of acquittal. When no one appeared before the trial Court to depose against any of the respondents there is no substance against them to record a finding of conviction.
6. After going through the record, this Court is of the view that it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where respondents should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge