

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2342 of 2018**

State of Chhattisgarh, Through Police Station- Dharsiwa, District- Raipur (C.G.)

---- **Petitioner**

Versus

Vikas @ Vasudev Banjara, S/o Nehrual, Aged About 20 Years, R/o Village- Dongaripali Police Station- Basna, District- Mahasamund (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Raghvendra Verma, GA.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

08/01/2019

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 61 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 23/04/2018 passed by Judicial Magistrate First Class, Raipur (C.G.) in Criminal Case No. 78/2011, wherein the said court acquitted

the respondent for commission of offence under Sections 279, 338 & 304 (A) of IPC, 1860.

5. In the present case, appellant has been charge-sheeted on the ground that he was driving Bolero vehicle bearing registration No. CG-04 HA-1590 on 02.09.2010 at about 22:30 O'clock near village- Sakra and caused death of one Jitendra Kumar Katre and caused grievous injury to one Rupesh Yadav.
6. Only one witness namely Jitendra Kumar Verma (PW-1) examined before the trial court. This witness has not deposed before the trial court that the respondent was driving the vehicle at the time to incident. There is no other evidence incriminating against the present respondent.
7. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal. After going through the entire record, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge