

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.2327 of 2019

- The State Of Chhattisgarh Through Police Chowki Chandanu, Police Station Nandghat, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. Smt. Sulochana, W/o Gaukaran Yadav, Aged About 44 Years, R/o Village and Chowki Chandanu, Police Station Nandghat, District Bemetara, Chhattisgarh
2. Laxman, S/o Khemsingh Yadav, Aged About 44 Years, R/o Village Hirmi, Police Station Suhela, District Balodabazar, Chhattisgarh
3. Banwari Lal, S/o Madhav Singh Kushwaha, Aged About 36 Years, R/o Village Jamalpur, District Dhoulpur, Rajasthan

---- Respondents

For Applicant Shri Aditya Sharma, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order on Board by Shri Prashant Kumar Mishra J.

05/11/2019

1. On due consideration, delay of 85 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 420 & 409 of IPC and Sections 3, 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 10 of the Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005.

3. The accused allegedly promised to pay double amount if the victim pays Rs.1,265/- per year for a period of 5 years. At the end of 5 years, the victim demanded the promised amount, which was not fulfilled by the accused, therefore, the report was lodged. However, in her court statement, the victim (PW-1) Jaswant Koshley admitted that she has received back the entire deposit with interest and further that if the amount would have been returned earlier, she would not have lodged the FIR. She does not know the name of the Director or the owner of the company for whom the accused was working as a agent. Apart from Jaswant Koshley, several other victims were examined before the Trial Court, however, these victims namely, Uttara Barle (PW-3), Pramila Banjare (PW-4), Baisakhinbai Dhruw (PW-5), Pratima Bai (PW-6), Jamuna Bai (PW-7) and Badri Prasad Pandey (PW-8) have also deposed that they have received back the entire deposit with accrued interest.
4. In view of the above, the finding recorded by the Trial Court while acquitting the accused does not appear to be perverse.
5. No case for grant of leave to appeal is made out.
6. The CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge