

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2394 of 2018

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

---- Petitioner

Versus

Smt. Kavita Uikey, W/o - Shri Chuiya Lal Uikey, Aged about - 32 years, R/o - R.D.A. Colony Tikrapara, Qtr. No. 0/2, Police Station- Tikrapara, Raipur, (C.G.)

---- Respondent

For State/Petitioner : Shri V.B. Singh, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

16/04/2019

1. Heard on I.A. No. 01/2019, 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 69 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 directed against the judgment dated 3rd May, 2018 passed by Judicial Magistrate First Class, Raipur (C.G.) in Criminal Case No. 1796/2013 wherein the said Court acquitted the respondent for charge under Section 294, 506 Part-II and 323 (Twice) of IPC, 1860.

5. In the present case, the complainant for offence under Section 294 and 506 Part-II IPC is Smt. Yashwant Chaudhary and victim of offence under Section 323 of IPC (Twice) are Smt. Yashwant Chaudhary and Himanshu. All the three witnesses who are complainants and other witnesses have not been examined before the trial Court, therefore, there is nothing on record to substantiate the charge framed against the respondent. The trial Court opined that in absence of any evidence charges levelled against the respondent is not established.
6. After reassessing the entire evidence, this Court has no reason to record contrary finding and 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.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge