

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2396 of 2018**

State of Chhattisgarh through - Police Station – Chhawani,  
District: Durg (C.G.)

**---- Petitioner****Versus**

1. Naresh Kumar Sinha, S/o - Shri Bhagwan Das Sinha, Aged about - 42 years.
2. Chetan Sinha, S/o - Shri Naresh Kumar Sinha, Aged about-50 years,

Both R/o - Quarter No. 1 – G, Street – 20, Sector - 11, Zone -1,  
Khursipar, Police Station – Khursipar, Bhilai Nagar, District - Durg  
(C.G.)

**---- Respondents**

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|----------------------|---|-------------------------------|
| For State/petitioner | : | Mr. Afroj Khan, Panel Lawyer. |
| For Respondents      | : | None.                         |

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**Hon'ble Shri Justice Ram Prasanna Sharma****Judgment On Board****18/02/2019**

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 100 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 18<sup>th</sup> April, 2018 passed by the Court of Chief Judicial Magistrate, Durg (C.G.). in Criminal Case No. 26985/2012, wherein the said court acquitted both the respondents for commission of offence under Sections 294, 506(Part-II) & 323/34 of IPC, 1860.
5. Respondents were charge-sheeted on the ground that they committed offence against one Naresh Sinha & Smt. Kanti Sinha, but both have not been examined before the trial court. The charges are not substantiated by any of the evidence, therefore, the trial court recorded finding of acquittal.
6. After going through the entire record, this Court has no reason to record contrary finding. It is not a case where respondents 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