

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.427 of 2018**

- State Of Chhattisgarh Through The Incharge Police Station Jamul District Durg Chhattisgarh.

---- Appellant**Versus**

- Ganesh Ram S/o Late Mansha Ram R/o Quarter No. 1, Shantipara, Near Sunil Kirana Store, Police Station Chhawani, Distt. Durg, Chhattisgarh

---- Respondent

For the appellant	: Shri Raghavendra Verma, Govt. Advocate
For the respondent	: None

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board****21.01.2019.**

1. This appeal is directed against the judgment of acquittal dated 07.02.2018 passed by Judicial Magistrate First Class, Durg in Criminal Case No.18229/2011 wherein the said Court acquitted the respondent for the charges under Section 304A of the Indian Penal Code 1860 for negligently driving the truck bearing registration No. CG07 C 1200 and caused death to one Bhupendra Thakur.

2. Bhagwan Singh Thakur (PW-1) is the father of the deceased. As per the version of this witness, the deceased was crossing the road and he had caught his hands while crossing the road. But he has admitted that this statement is not written in the earlier statement. If they were crossing the road all of a sudden it was not possible for the driver to stop the vehicle at once. From the statement of this witness, negligence on the part of the driver

or rashness on the part of the driver is not established. Bhagwan Singh Thakur (PW-1) deposed that he has not seen as to how the truck came on the road. Therefore, version of this witness is also not sufficient to say that the driver of the vehicle was driving the vehicle in rash and negligent manner. Jeman Singh (PW-3) though lodged First Information Report, but he has admitted that the information has been lodged on the basis of information given by some other person. Goutam Bhuwalak (PW-4) deposed that he is having three trucks but not able to say which driver was driving the vehicle in question on the date of incident. Chintaram (PW-8) deposed that he has not seen who was the driver of the offending vehicle. Yashoda (PW-9) deposed that she does not know the appellant.

3. Looking to the entire evidence, the trial Court opined that the evidence adduced by the prosecution is not sufficient to bring home the guilt against the present appellant. The view taken by the trial Court is one of the possible view. It is settled law the if two views are possible, the view which is favourable to the appellant should be accepted. After reassessing the entire evidence, this Court has no reason to substitute a contrary finding. Therefore, the finding arrived at by the trial Court is not liable to be interfered with.

4. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE