

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2501 of 2018**

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

---- **Petitioner**

Versus

1. Sukwaro Bai, W/o Santram Verma, Aged About 60 Years.
2. Deenu Verma, S/o Narayan Verma, Aged About 22 Years.
Both R/o Bhansoj, Police Station Arang, District- Raipur (C.G.)

---- **Respondents**

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

For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

10/01/2019

1. Learned counsel for the State/ petitioner seeks permission of this Court to withdraw I.A. No. 01/2018, application for condonation of delay in filing the petition, as the instant petition is filed within time.
2. Accordingly, I.A. No. 01/2018 is dismissed and withdrawn.
3. 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 08.06.2018 passed by Judicial Magistrate First Class, Raipur (C.G.) in Case No. 17429/2014, wherein the said court acquitted both the respondents for commission of offence under Sections 294 & 323 of IPC, 1860.

5. The respondents have been charge-sheeted for uttering obscene words in public place and causing simple injury to one Theliyabai on 17.09.2014.
6. From statement of Theliyabai (PW-1) & Radheshyam (PW-2), it is not established that any of the respondent uttered obscene words in public place. Theliyabai (PW-1) deposed that respondent No. 1- Sukwaro Bai assaulted her by club, but no medical expert is examined in support of her version.
7. In absence of medical examination, it is not established that any injury was caused in body of Theliyabai (PW-1). Unless injury is caused, offence under Section 323 of IPC for voluntary causing hurt is not established, because bald statement is not sufficient to hold guilt the respondents.
8. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the entire evidence, 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.
9. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge