

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2535 of 2018

- State Of Chhattisgarh Through Police Station City Kotwali Raigarh District Raigarh Chhattisgarh

---- Petitioner

Versus

1. Sheikh Mohammad Tabrej S/o Mohammad Saeed Aged About 23 Years R/o Chandani Chowk Palace Road Raigarh, Police Station City Kotwali Raigarh, District Raigarh Chhattisgarh
2. Mohammad Raj Amin @ Raju S/o Peer Mohammad Aged About 22 Years R/o Chandani Chowk Palace Road Raigarh, Police Station City Kotwali Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner/State : Shri Subhash Yadav, Dy.G.A.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/05/2019

Heard on prayer for grant of leave to appeal.

Learned counsel for the appellant would argue that even though in the FIR lodged in the police station and in the Court statement of the victim (PW3), it has clearly come that he was abused, threatened and assaulted as a result of which, he sustained injury on his eye, learned Trial Court has acquitted the respondents / accused by giving benefit of doubt.

After going through the impugned judgment and the evidence, particularly that of the victim (PW3), we find that in the cross-examination, this witness has admitted that while giving case diary statement to the police, he has not disclosed regarding any abuse, threat or assault on him. There is only one single injury found. The witness who lodged FIR turned hostile.

In view of abovesaid material on record, the view taken by the Trial Court that the injury sustained by the victim could possibly be caused due to fall after accident and not because of assault, is possible. Therefore, no case is made out for interference by this Court. The application for grant of leave to appeal is rejected. Present CrMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge