

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2523 of 2018**

- State Of Chhattisgarh Through Station House Officer, Police Station A.J.K. Janjgir District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. Abhishek Singh Chandel @ Simpi Thakur S/o Shri Suresh Kumar Aged About 28 Years R/o Village Kosa ,police Station Mulmula ,district Janjgir Champa Chhattisgarh.
2. Ravindra Kumar @Tilak Sahu S/o Shri Vishwanath Sahu Aged About 26 Years R/o Village Kosa ,police Station Mulmula ,district Janjgir Champa Chhattisgarh.

---- Respondents

 For the Petitioner/State : Shri Raghavendra Verma, Govt.
 Advocate.

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

15.01.2019.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 171 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition has been preferred against judgment of acquittal dated 26.02.2018 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/ Amended Act `2015, Janjgir Distt. Janjgir – Champa

(CG) in Special trial No.14/2017 wherein the said Court acquitted the respondent for the charges under Sections 456, 294/34, 323/34 of the Indian Penal Code, 1860 and under Section 3(1) and 3(2)(v) of the Act, 1989/amended Act 2015.

5. Prateesh Banjare (PW-1), Pushpa (PW-3), Pramod (PW-4) are the witnesses of the incident. No one has supported the version of the prosecution. From the statement of the all the witnesses, it is not established that any of the respondents has committed any criminal act against any of the victim. As the evidence is lacking, the trial Court recorded the finding of acquittal. After reassessing the entire evidence this Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the petition.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE