

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2524 of 2018

State of Chhattisgarh, Through - Station House Officer Police
Station Jashpur, District -Jashpur (C.G.)

---- Petitioner

Versus

1. Niranjan Singh, S/o - Krishna Singh, Aged about - 26 years, R/o - Village Eliyabandh, Post Sursang, Tahsil – Raidih, Police Station Rahdih, District - Gumla Jharkhand.
2. Virendra Singh, S/o – Vishambhar Singh, Age about -21, R/o – Village Chiyarikani, P.S. - Simdega, District – Simdega, Jharkhand.

---- Respondents

For State/ Petitioner : Shri Vijay Bahadur Singh, Panel Lawyer
For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

02/04/2019

1. Heard on I.A. No. 01/2019, 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 141 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 22nd March, 2018 passed by Sessions Judge, Jashpur (C.G.) in Sessions Trial No. 51/2017, wherein the said court acquitted respondent No.1 for commission of offence under Section 397 IPC and Respondent No. 2 under Section 397 of IPC and Sections 25 (1B)A and 27 of Arms Act.
5. In the present case, the respondents were charge-sheeted on the ground that on the date of incident i.e., 20th January, 2017 they robbed an amount of Rs.17,000/- from the possession of one Upendra Prasad (PW-3) by showing him country made pistol and threatened to kill him.
6. To substantiate the charge, the prosecution examined as many as 14 witnesses. Upendra Prasad (PW-3) did not support the version of prosecution. He deposed that accused persons present in the trial Court are not the persons committed robbery against him.
7. Though, Deputy Collector, Hitesh Kumar Baghel (PW-2) deposed that Upendra Prasad identified one Virendra Singh during the course of identification parade at Tahsil Office on 25th January, 2017, but Upendra Prasad did not corroborate his version and he has stated nothing against the respondents. It is not established that the respondents participated in crime in question.
8. Sub Divisional Officer (Police) (PW-11) deposed on the basis of discovery statement of Niranjana Singh that Rs. 1500/- was seized from him and on the basis of discovery statement of

Virendra Singh Rs.4000/- was seized from him but it is not established before the trial Court that the seized currency notes are subject matter of the crime in question.

9. On overall assessment, there is nothing on record which incriminates the respondents for alleged crime.
10. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondents is not established. After re-assessing 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.
11. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge