

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2546 of 2018

State Of Chhattisgarh Through Police Station Nawagarh District Janjgir
Champa Chhattisgarh

---- Petitioner

Versus

Ram Yadav S/o Haricharan Yadav Aged About 51 Years R/o Village Keva
,police Station Nawagarh ,district Janjgir Champa Chhattisgarh

--- Respondent

For Petitioner/State : Shri Anand Verma, Dy. Gov. Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

15/04/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing of the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Though, learned State Counsel would submit that present would be a case of intention to cause death and in case victim would have died it would have been a case of murder in the background of assault given on the head of the victim, after going through the impugned judgment and the evidence on record particularly that of the victim Bahadur Kumar Bareth (PW 1), we find that the learned trial Court has acquitted the respondent-accused from the charge of commission of offence under Section 307 I.P.C.
5. Taking into consideration the background of dispute in which it is said that on the issue of giving more wages, a dispute arose, there was no fracture injury, there was one single assault on the head and that too from the blunt part of the axe, therefore, in these circumstances, given the limited scope of interference, we are not inclined to grant leave to appeal.
6. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi