

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 48 of 2019**

- State of Chhattisgarh, through- Station House Officer, P.S.- Kosir, District- Raigarh (C.G.)

---- Petitioner**Versus**

- Manoj Kumar Kurre, S/o- Mayaram Kurre, Aged about- 25 years, R/o- Village- Bardula, P.S.- Kosir, District- Raigarh (C.G.)

---- Respondent

For State/Petitioner : Shri Ishwar Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****12/12/2019**

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 68 days in filing the instant 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 the judgment dated 28th June, 2018 passed by Additional Sessions Judge, Sarangarh, District- Raigarh (C.G.) in Sessions Case No. 26/2016 wherein the said Court acquitted the respondent for charge under Section 307 of IPC, 1860.
5. In the present case, name of the victim is Bablu Nirala (PW-3). This witness did not depose before the trial Court that it is the respondent who assaulted him on his neck by blade. No other

witness was adduced by the prosecution who is eye witness account to the incident.

6. No one deposed before the trial Court that any criminal act is committed by the respondent. After elaborately discussing the entire evidence the trial Court recorded finding of acquittal. The trial Court has gone into evidence of all the 16 witnesses adduced by the prosecution. After re-assessing the entire evidence, this Court has no reason to take a contrary view, it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where the respondent should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge