

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 73 of 2019**

- State Of Chhattisgarh Through Station House Officer ,police Station Baloda Bazar ,district Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- Manharan S/o Darbari Ghritlahre Aged About 20 Years R/o Village Dhangaon Police Station Baloda Bazar ,district Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For State/ petitioner : Mr. Raghvendra Verma, G.A.

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****18/02/2019**

1. Heard on I.A. No. 1/2019, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, delay of 49 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 19th July, 2018 passed by Judicial Magistrate First Class, Baloda Bazar, (C.G.) in Cr. Case No. 1445/2012 wherein, the said Court acquitted the respondent for the charges under Sections 34 (1) (a) of the Chhattisgarh Excise Act, 1915 for having possession of illegal liquor to the tune of 5.040 bulk litres.

5. The prosecution was under obligation to establish charge as alleged against respondent but charge is not substantiated by the evidence and the trial court had no option but to record judgment of acquittal in absence of any evidence.
6. After going through the record, this Court has no reason to substitute a contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge