

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 144 of 2019**

1. State Of Chhattisgarh Through Station House Officer, Police Station Balodabazar, District Balodabazar-Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. Shiv Prasad @ Lokai Khunte S/o Firta Khunte Aged About 65 Years R/o Village Karmandih, Police Station Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondent

 For Petitioner/State

 Shri A.N. Bhakta, Dy. Adv. General

Order On Board**By****Hon'ble Shri Justice Ram Prasanna Sharma****14/03/2019**

1. Heard on application for grant of leave to appeal under Section 378 (3) of the Cr.P.C.
2. This petition is preferred against the judgment of acquittal dated 13-8-2018 passed by the Judicial Magistrate First Class, Baloda Bazar, in Cr.Case No.867/2015 wherein the said Court acquitted the respondent of the charges under section 323, 506 Part-II and 294 of the Indian Penal Code. In the case at hand, the victims are Phool Bai & Meena Khandelwal.

3. From the record it appears that repeated opportunities were provided to the prosecution to adduce evidence, but no one examined by the prosecution. In absence of any evidence the trial Court opined that charges levelled against the respondent are not established.
4. At this stage, Shri A.N. Bhkata, learned Dy. Advocate General appearing for the State, submits that the case should be remanded back and opportunity should be afforded to the prosecution to adduce evidence.
5. After going through the record, this Court has no reason to record a contrary finding. It is not a case where the respondent/accused should be called for full consideration of the case.
6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-

(Ram Prasanna Sharma)
Judge

Gowri