

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 151 of 2019**

State of Chhattisgarh: Through Station House Officer, Police
Station City Kotwali – Raigarh, District - Raigarh (C.G.)

---- **Petitioner**

Versus

Rajeshwar Choudhary @ Anurag, S/o - Shri Bhogendra Kumar
Chaudhary, Aged about - 28 years, R/o - Saal Patta Chopada
Gali, Daroga Para, Raigarh, Police Station - Kotwali, District -
Raigarh (C.G.)

---- **Respondent**

For State/Petitioner : Shri V.B. Singh, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

06/05/2019

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 214 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 the judgment dated 21st February, 2018 passed by Judicial Magistrate First Class, Raigarh, District – Raigarh (C.G.) in Criminal Case No. 61/2018 wherein the said Court acquitted the respondent for charge under Section 292 of the IPC, 1860.

5. In the present case, the name of the complainant is Goverdhan Sarathi (PW-1). This witness has not supported the version of the prosecution. This witness did not depose that respondent published any obscene article through WhatsApp of his mobile No. 9826574993. The witness has been subjected to leading question by the prosecution side but nothing is established against the respondent for commission of offence under Section 292 of IPC and Section 67 of the Information and Technology Act, 2000.
6. The trial Court after evaluating the entire evidence recorded a finding. This Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition.
7. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge