

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 425 of 2020

State of Chhattisgarh, Through- Police Station Gandhinagar, District-
Surguja (C.G.) ----- **Petitioner**

Versus

1. Ayush Singh, S/o Dhananjay Singh, Aged About 20 Years, R/o Gangapur, Ambikapur, Police Station Gandhinagar, District-Surguja (C.G.)
2. Siddharth Mishra, S/o Omprakash Mishra, Aged About 21 Years, R/o Namnakala, Ambikapur, Police Station- Gandhinagar, District- Surguja (C.G.)
3. Vivek Ravi, S/o Devpati Ravi, Aged About 21 Years, R/o Namnakala, Ambikpur, Police Station- Gandhinagar, District-Surguja (C.G.) ----- **Respondents**

For State/ Petitioner : Mr. Dinesh Tiwari, Dy. G.A.
For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/02/2020

1. Heard on I.A. No. 01/2020, 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 163 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 30.05.2019 passed by Special Judge [under Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities), Act] Surguja, Ambikapur (C.G.) in Special Session (Atrocities) Case No. 99/2017, wherein the said court acquitted the respondents for charge under Sections 147, 148, 294/149, 506/149 & 323/149 of IPC, 1860.

5. In the present case, name of the complainant is Manoj Kerketta (PW-2). This witness has not deposed any criminal act by the respondents before the trial court. Other witnesses namely Smt. Sheela Kerketta (PW-3) & Banarsi Ram (PW-6) & Virendra Kumar Jaiswal (PW-7) have also not supported version of the prosecution.
6. The trial court elaborately discussed the entire evidence and recorded finding of acquittal. The finding recorded by the trial court is one of the plausible view and it is settled law that if two views are possible, the view which is favourable to the accused/ respondent, should be accepted. After reassessing the entire evidence, it is not a case where any interference is required with the judgment of the trial court. It is also not a case where respondents 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