

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 515 of 2020**

- State Of Chhattisgarh Through The Incharge, Police Station Mainpur, District Gariyaband Chhattisgarh.

---- Applicant

Versus

- Baisakhu Ram Dhruw S/o Late Baliram Aged About 57 Years R/o Village Mainpur Kala, P. S. Mainpur, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant-State :- Mr. Avinash Choubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya**
Order On Board**By****Prashant Kumar Mishra, J.****26/02/2020**

1. On due consideration delay of 54 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, application for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 294, 323, 307, 506 (Part-II) of the I.P.C.
3. Accused allegedly assaulted injured - Manki Bai (PW-1) by axe.

The injured would depose in paragraph 7 of her statement that at the time of incident there was no visibility at the place of occurrence, therefore, she could not see the assailant. Similar statement has been made by eye-witness PW-4 Rohan Singh, who is none other than husband of the injured.

4. Considering the evidence on record, the view taken by the trial Court is one probable view in the matter on the basis of state of evidence on record.
5. In view of the settled legal position that when two views are possible in the case and the trial Court has taken one of the views, the judgment of acquittal should not be converted into a judgment of conviction. (See : **Khekh Ram Vs. State of Himachal Pradesh**, (2018) 1 SCC 202), we are of the opinion that the present is not a fit case for grant of leave to appeal, because, the view taken by the trial Judge emanates from the state of evidence on record and the same does not appear to be perverse.
6. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(**Prashant Kumar Mishra**)
Judge

SD/-
(**Gautam Chourdiya**)
Judge