

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 561 of 2020

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

Versus

1. Ravendra Yadav @ Raghvendra Yadav, S/o Ganga Prasad Yadav, Aged About 28 Years.
2. Aditya Yadav, S/o Sudama Yadav, Aged About 20 Years.
3. Rajendra Yadav, S/o Basant Prasad Yadav, Aged About 33 Years.
All R/o Babupara, P.S. Ambikapur, District- Surguja (C.G.)
4. Sandeep Rajwade, S/o Hukumsay Rajwade, Aged About 20 Years, R/o Bishunpur, P.S. Ambikapur, District- Surguja (C.G.)

---- Respondents

For State/ Petitioner : Mr. Ishwar Jaiswal, Panel Lawyer.
For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

04/03/2020

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 149 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 22.06.2019 passed by Special Judge [under Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities), Act, 1989/2015 (for short "the Act, 1989/2015")] Surguja (Ambikapur) (C.G.) in Special Session (Atrocities) Case No. 23/2017, wherein the said court acquitted the respondents for charge under Sections 452, 294, 506, 323/34 of IPC, 1860 & Sections 3(1)(r) & 3(1)(s) of the Act, 1989/2015.

5. In the present case, name of the complainant is Durgesh Kumar Sonkar (PW-4). This witness has not supported version of the prosecution on any count. The evidence of other witnesses is supportive in nature, but their version is not sufficient to establish the charge.
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