

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 565 of 2020

The State of Chhattisgarh, Through- District Magistrate,
Rajnandgaon (C.G.)

---- Petitioner

Versus

Narad Pal, S/o Pancham Pal, Aged About 26 Years, By Caste-
Gadariya, R/o Chavardhal, P.S. Ghumka, District- Rajnandgaon
(C.G.)

---- Respondent

For State/ Petitioner : Mr. Aman Kesharwani, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

04/03/2020

1. Heard on application for grant of leave to appeal filed under Section 378 (3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 02.01.2020 passed by Special Judge [under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989/2015 (for short "the Act, 1989/2015")] Rajnandgaon (C.G.) in Special Case No. 27/2018, wherein the said court acquitted the respondent for charge under Sections 454 & 354 of IPC, 1860 & Sections 3(1)(xi) & 3(2)(va) of the Act, 1989/2015.
3. In the present case, prosecutrix is PW-4. She deposed before the trial court that she was not aware about the respondent before the incident. Though, she deposed that neighbours have identified him, but from her statement, it is not clear as to

which of the neighbour has identified the respondent. The other witnesses are not eye-witnesses account to the incident and their case is based on information received either from the prosecutrix or from other persons. The trial court recorded finding that looking to the statement of the prosecutrix, it is not established beyond shadow of doubt that the respondent is author of the crime.

4. 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 respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
5. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

Arun