

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 635 of 2020

State of Chhattisgarh Through Police Station Hasoud, District
Janjgir Champa Chhattisgarh. **---- Petitioner**

Versus

Kiran Kumar Jatwar S/o Ramnath Jatwar, Aged About 40 Years R/o
Village Lalmati, Tehsil And Police Station Hasoud, District Janjgir
Champa Chhattisgarh. **---- Respondent**

For State/ Petitioner : Mr. Afroj Khan, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

13.03.2020

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 37 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 21.10.2019 passed by Learned Second Additional Session Judge, Sakti, District- Janjgir-champa(C.G.) in Sessions Case No. 10/2019 wherein the said Court has acquitted the respondent for offence under Section 304 (Part-I) and 201 of the Indian Penal Code, 1860 for causing unintentional death of one Ramesh

Kuamr Daharia by making an electric wire connection from his pump house for fishing and again caused disappearance of evidence of the said offence..

5. In the present case name of the deceased is Ramesh Kumar Dahariya. As per version of Dr.S.L. Banjare (PW-16) deceased may be died due to electrocution. To substantiate the charge prosecution examined as many as 16 witnesses, no one deposed before the trial Court that any electric wire was connected by the respondent for fishing. Ramesh Kumar Gabel (PW-13) who is Junior Engineer posted in Chapora village deposed that deceased had illegal hooking from electric pole for fishing. From the evidence of this witness, there is no role in hooking of wire on the part of respondent. The case of the prosecution is based on circumstantial evidence but the circumstances not proved to the satisfaction of Court no circumstances is pointed out against the respondent. Contrary to that it is come on record that it was deceased who hooked wire from electric pole for fishing.
6. View taken by the said Court is one of the plausible view It is settled law that if two views are possible, the view which is favourable to the respondent/ accused, should be accepted. There is nothing on record to convert order of acquittal into conviction.
7. The trial court has elaborately discussed the entire evidence and after going through the record, this Court has no reason to record contrary finding. It is not a case where the

respondents should be called for hearing again for full consideration of this petition. It is not a case where trial Court has over-looked the relevant material placed on record. It is also not a case where order of the trial Court is based on extraneous or irrelevant material and it cannot be termed as perverse or unreasonable.

8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)

Judge