

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 669 of 2020**

- State of Chhattisgarh, through- Incharge, Police Station-
Kawardha, District- Kabirdham (C.G.) ----- **Petitioner**

Versus

- Dileshwar Meravi, S/o Mansingh Meravi, Aged about 25 years,
R/o Jitatola, R/o Village- Bhakura Bakhripara, Police Station-
Kawardha, District- Kabirdham (C.G.) ----- **Respondent**

For State/Petitioner : Shri Dinesh R.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****19/03/2020**

1. Heard on I.A. No. 01/2020, which is an 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 104 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 the judgment dated 20th August, 2019 passed by Judicial Magistrate First Class, Kawardha, District- Kabirdham (C.G.) in Criminal Case No. 58/2015 wherein the said Court acquitted the respondent for charge under Section 304-A of the Indian Penal Code, 1860 and

under Sections 3/181 and 146/196 of the Motor Vehicles Act, 1988.

5. To substantiate the charge, the prosecution examined as many as fifteen witnesses. No one is eye witness account to the incident. In absence of any eye witness, the trial Court recorded finding that negligence or rashness on the part of the respondent is not established. Again, in absence of evidence, it cannot be said that vehicle which is seized in the present case was involved in crime in question. The trial Court after evaluating the entire evidence recorded finding of acquittal.
6. Finding of the trial Court is one of the plausible view. Finding of the said Court is not based on extraneous or irrelevant material or same is perverse. After going through the record, this Court is of the opinion that it is not a case where interference of this Court is required in the judgment of the trial Court. It is also not a case where the respondent/accused should be called for full consideration of this petition.
7. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge