

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 737 of 2018

State of Chhattisgarh Through The Incharge Police Station
Purani Basti, District- Raipur, Chhattisgarh. ---- **Petitioner**

Versus

1. Suresh Mohanti S/o Banglal Mohanti Aged About 39 Years
2. Anita @ Annapurna W/o Suresh Mohanti Aged About 35 Years

Both R/o- Village Dhaneshwar, Police Station Karai, District
Jajpur (Orissa), Present Address Hanuman Nagar, Near
Verma Fabricators Gali, P.S. Purani Basti, District- Raipur,
Chhattisgarh. ---- **Respondents**

For State/petitioner : Mrs. Smita Jha, P.L.

For respondent : Mr. Shivendu Pandya, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

05.03.2020

1. Heard on I.A. No.1/2018, which is an application for
condonation of delay in filing the instant 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 71 days in filing the petition is
condoned.
3. Heard on application for grant of leave to appeal filed under
Section 378(3) of Cr.P.C.
4. This petition is preferred against the judgment dated
14.09.2017 passed by learned Judicial Magistrate First Class,
Raipur (C.G.) in Criminal Case No.15446/2010 wherein the
said Court has acquitted the respondents for commission of
offence under Sections 294, 506 Part-II, 324/34 of Indian

Penal Code, 1860 for criminal act against one Sushant Kumar Matthan at Chandrashekhar Nagar, Raipur (C.G.).

5. In the present case, number of opportunities have been provided to the prosecution to adduce the evidence but no one examined before the trial Court to substantiate the charge therefore, trial Court recorded finding that in absence of evidence charge leveled against the respondent is not established.
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. Therefore, the trial Court recorded finding of acquittal. It is also not a case where respondent should be called for hearing again 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