

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 888 of 2020**

State of Chhattisgarh, Through Police Station
Kanker, District Kanker, Chhattisgarh.

---Petitioner

Versus

Sunil Kumar Sinha, S/o Kartik Sinha, Aged about 29
years, R/o Chouthna, Dongargarh, Police Station
Dongargarh, District Rajnandgaon, Chhattisgarh.

--- Respondent

For Petitioner/State :- Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/07/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. Heard on I.A. No. 1, application for condonation of delay in filing the appeal.
3. There is a delay of 101 days in filing the appeal. After hearing learned counsel for the petitioner, delay is condoned.
4. Also, heard on admission.
5. The respondent herein has been acquitted from offence under Sections 279, 337 and 338 of the IPC.

6. Mr. Rahul Jha, learned Government Advocate, for the petitioner/State would submit that the material evidence has been omitted while acquitting the respondent, therefore, it is a fit case to grant leave to appeal.

7. After going through the impugned judgment dated 13/09/2019, it is clear that sufficient reason has been recorded holding that the prosecution has failed to establish the offence under Sections 279, 337 and 338 of the IPC against the respondent. I do not find any perversity or illegality in the said finding recorded by the Judicial Magistrate in the impugned judgment. It is not a case for grant of leave to appeal.

8. Accordingly, the present petition stands dismissed.

No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet