

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 991 of 2019

Mo. Intiyaj @ Billu, S/o Mo. Ahmad, Aged About 40 Years, R/o Maudahapara Raipur, P.S. Maudahapara, Tahsil & District- Raipur (C.G.)

---- Appellant

Versus

1. Saeed Khan @ Shahid Khan, S/o Hatim Khan, Aged About 47 Years.
2. Mo. Amzad, S/o Abdul Sattar, Aged About 30 Years.
3. Wahid Khan @ Kanj, S/o Seikh Mohammad, Aged About 35 Years.
4. Mo. Aslam, S/o Abdul Sattar, Aged About 32 Years.

All are R/o Near Shiv Talkis, P.S. Maudahapara, Tahsil & District- Raipur (C.G.)

---- Respondents

For Appellant : Mr. Badruddin Khan, Advocate.
For respondents : Mr. Rahul Agrawal, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

JUDGMENT ON BOARD

24.02.2020

1. This appeal is preferred under Section 372 of the Code of Criminal Procedure, 1973 against judgment dated 10.01.2019 passed by Judicial Magistrate First Class, Raipur, District- Raipur (C.G.) in Criminal Case No. 447/2008, wherein the said court convicted all the four respondents for commission of offence under Sections 452 & 427/34 of IPC, 1860 till rising of court and fine of Rs. 1000/- & fine of Rs. 1000/- respectively with further default stipulations.
2. The trial court recorded finding that there is no clear evidence regarding uttering of obscene words and threatening. In absence of

evidence, no case is made out for interference of that part of the finding. For rest of the offences, the trial court convicted all the four respondents.

3. As per proviso of Section 372 of the Cr.P.C., the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation. In the present case, the trial court has not acquitted for the offences for which evidence is available and neither convicted for lesser offence nor imposed any inadequate compensation, therefore, it is not a case where any interference of this Court is required with the judgment of the trial court. It is also not a case where the respondents should be called for full consideration of this appeal.
4. In view of the above, the appeal is liable to be and is hereby dismissed as motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge