

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1586 of 2018

State of Chhattisgarh Through- Police Station Dhourpur, District-
Surguja, Chhattisgarh. **---- Petitioner**

Versus

Shankar Lakda S/o Veer Sai Lakda Aged About 40 Years R/o-
Village Madan Nagar, Police Station Pratappur, District- Balrampur,
Ramanujganj, Chhattisgarh. **---- Respondent**

For State/petitioner : Mr. D.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

29/01/2020

1. Heard on I.A. No. 1/2018, which is an application for condonation of delay in filing the instant petition.
2. On due consideration, the application is allowed and the delay of 138 days in filing the instant petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against the judgment dated 06.12.2017, passed by learned Judicial Magistrate First Class, Ambikapur, District- Surguja (C.G.), in Criminal Case No.144 of 2013, wherein the said Court has acquitted the respondent for commission of offence under Section 338 and 304-A of the I.P.C.
5. To substantiate the charge, the prosecution examined as many as 12 witnesses. Anil Kumar (PW-1) is said to be only eye witness account to the incident, the other witnesses are either reached to the spot after the incident or they are the

witness of investigation. After registration of F.I.R. Anil Kumar (PW-1) deposed that vehicle was driven by the respondent but from statement of Anil Kumar (Para-13) it is clear that name of the respondent is not mentioned in his earlier statement which is Ex.D-1.

6. The trial Court evaluated the entire evidence and recorded finding that it is shaky evidence that Anil Kumar is witness of the incident. After taking into consideration of the entire evidence, the trial Court recorded finding that charges levelled against the appellant is not proved to be without shadow of doubt. The trial Court also recorded finding that negligence on the part of the respondent is not established. After going through the record, it is not a case where interference of this Court is required with the judgment of the trial Court.
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