

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2498 of 2019

State of Chhattisgarh, Through Its Station House Officer, Police Station-
Mahasamund, District- Mahasamund (C.G.)

---- **Petitioner**

Versus

Ghanaram Sinha, S/o Late Lateelram, Aged About 53 Years, R/o Village
and Police Station- Patewa, District – Mahasamund (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Ishwar Jaiswal, Panel Lawyer

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/02/2020

1. Heard on I.A. No. 01/2019, 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 48 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 judgment dated 01.06.2019 passed by Judicial Magistrate First Class, Mahasamund, District- Mahasamund (C.G.) in Criminal Case No. 2435/2015,

wherein the said court acquitted the respondent for charge under Sections 279 & 337 of IPC, 1860 and Section 3/181 of the Motor Vehicles Act, 1988.

5. In the present case, the only witness who named the respondent for the incident is Rajesh Banswar (PW-2). This witness has admitted in his cross-examination that road was not busy at the time of incident and speed of vehicle of the respondent was about 40-50 km. per hour. Driving in open road for that speed cannot be said to be rash or negligent driving.
6. The trial court elaborately discussed the entire evidence and recorded finding of acquittal. The finding recorded by the trial court is one of the plausible view and it is settled law that if two views are possible, the view which is favourable to the accused/ respondent, should be accepted. After reassessing the entire evidence, it is not a case where any interference is required with the judgment of the trial court. It is also not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge