

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2540 of 2019

State of Chhattisgarh Through The Police Outpost Devkar, District
Bemetara Chhattisgarh. **---- Petitioner**

Versus

Lakhan Sahu S/o Late Derharam Sahu Aged About 53 Years R/o
Village Sahaspur, Police Outpost Devkar, Police Station Saja,
District Bemetara, Chhattisgarh. **---- Respondent**

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

20.02.2020

1. Heard on I.A. No.1, 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 72 days in filing the instant petition is hereby condoned.
3. Also 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 25.05.2019, passed by learned Sessions Judge, Bemetara, District- Bemetara (C.G.), in Sessions Case No. 13/2019 wherein the said Court has acquitted the respondent for commission of offence under Section 286 of the Indian Penal Code, 1860 and Sections 4 & 5 of Explosive Substance Act, 1908.
5. The case of the prosecution is based on statement of Assistant Sub Inspector namely D.L. Sona (PW-10). As per version of this witness some ammunition and some explosive

substances were found in a hut that is why the said police officer prepared seizure memo and investigated the matter against the respondent. This witness deposed (Para-10) that place where articles were seized is an open place where anyone can enter. There is nothing to say that place where articles were seized was in exclusive possession of the respondent. There is no document to show that respondent was the owner or exclusive possessor of the place in question. When place is explorable to all then it can not be said that anything which is found in said place was in exclusive possession of the respondent.

6. The trial Court evaluated the entire evidence and recorded finding that charges as mentioned above is not established against the respondent. After going through the record, it is not a case where interference of this Court is required with the judgment of the trial Court, it is not a case where interference of this Court 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.
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