

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 186 of 2019

State of Chhattisgarh Through-Police Station Lalpur, District-
Mungeli, Chhattisgarh. **---- Petitioner**

Versus

1. Mayaram Jangde S/o Latel Jangde Aged About 45 Years R/o Village Barbaspur, Police Station Lalpur, District Mungeli Chhattisgarh.
2. Sweta Bai W/o Mayaram R/o Village Barbaspur, Police Station Lalpur, District Mungeli Chhattisgarh. **---- Respondent**

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

04.03.2020

1. Heard on I.A. No.1/2019, which is an application for condonation of delay in filing the instant 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 45 days in filing the petition is condoned.
3. 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 20.07.2018 passed by learned Judicial Magistrate First Class, Lormi, District-Mungeli (C.G.) in Criminal Case No. 328/2015 wherein the said Court has acquitted the respondents for commission of offence under Sections 294, 506 Part-II, 323 read with Section 34 of Indian Penal Code, 1860.
5. In the present case, name of the complainant is Ramvati Bai(PW-2). As per F.I.R. both the respondents used abusive language but that part of statement is general and bald in nature. Using of word

is an independent act and for independent act number of persons cannot be involved for general statement. Ramvati Bai (PW-2) did not depose before the trial Court that any abusive word was used by the respondents. This witness also did not depose that any threat of killing was given by any of the respondent. From her evidence there is nothing on record to establish offence under Section 294, 506 Part-II of IPC.

6. Charge which remains for offence under Section 323 of IPC which is non-cognizable offence and investigation cannot be initiated without permission of Magistrate under Section 155(2) of Cr.P.C. for non-cognizable offence. Therefore, cognizance for the said offence itself is not legal.
7. The trial has evaluated the entire evidence and after going through the records, 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.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge