

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2653 of 2019

State of Chhattisgarh, Through the Police Station- Sitapur, District-
Surguja (C.G.)

---- Petitioner

Versus

Sharad Gupta, S/o Kanhaiya Gupta, aged about 30 years, R/o
Village- Guturma, P.S. Sitapur, District- Surguja (C.G.)

---- Respondent

For State/ Petitioner : Mr. Dinesh Tiwari, Dy. Govt. Adv.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

30/01/2020

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 88 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 Special Judge [under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989] (for short "the Act, 1989"), Surguja (Ambikapur) (C.G.) in Special

Session (Atrocities) Trial No. 62/2018, wherein the said court acquitted the respondent for charge under Sections 294, 506 (Part-II) & 323 of IPC, 1860 & Sections 3 (1-r), 3(1-s), 3(2)(v-a) of the Act, 1989.

5. In the present case, complainant is Rajesh Maheshwari. This witness has not supported version of the prosecution. As per version of this witness, there was some altercation between the respondent and his brother-Raja and he was sitting in chair and at the same time, he fell from the chair that is why he sustained injury on back side of his head. Smt. Savitri (PW-3) who is wife of the complainant deposed on the same line. There is nothing on record that any criminal act is committed by the respondent and that too on the basis of caste.
6. The trial court elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is 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