

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 54 of 2020

State of Chhattisgarh, Through- Police Station Kanker, North Bastar,
District- Kanker (C.G.) **---- Petitioner**

Versus

Salik Ram Markam, Aged about- 32 years, Resident of Mudpar Dakhni,
Police Station Kanker, District- North Bastar kanker (C.G.)

----- Respondent

For State petitioner : Mr. Aman Kesharwani, P.L.

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

05.02.2020

1. Heard on I.A. No. 01/2020, which an application for condonation of delay in filing the instant petition.
2. On due consideration, the application is allowed and the delay of 97 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 Additional Judicial magistrate First Class, North Bastar Kanker (C.G.), Criminal Case No.604/2017 wherein the said Court has acquitted the respondent for commission of offence under Sections 279 & 338 of the Indian Penal Code, 1860.
5. In the present case, name of the victim is Roshani Sahu (PW-1). As per version of Roshani Sahu the incident took place when she was running across the road. The other eye witness

namely Om Prakash (PW-2) who is husband of Roshni deposed that incident took place when Roshni Was crossing the road (Para-4). The other witnesses are not eye witness account to the incident. From the evidence of Om Prakash(PW-2) it is established that incident took place when Roshni was crossing the road. If anyone crossing the road instantly the driver of the vehicle even if he is vigilant may not have in position to stop the vehicle instantly therefore, the trial Court recorded finding that negligence on part of the respondent is not established.

6. After reassessing the entire evidence and in view of the legal position, 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