

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 115 of 2020

State of Chhattisgarh Through The Police Station Kharora,
District Raipur Chhattisgarh. ---- **Petitioner**

Versus

Ravikumar Sahu S/o Rambhau Sahu Aged About 40 Years
R/o Village Boriyajhar, Police Station And District
Mahasamund Chhattisgarh Present Address Dipo Para, P. S.
Pithora, District Mahasamund Chhattisgarh. ---- **Respondent**

For State/ Petitioner : Mrs. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

12.03.2020

1. Heard on I.A. No. 01/2020, 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 109 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 04.06.2019 passed by Judicial Magistrate First Class, Raipur (C.G.) in Criminal Case No. 764/2013 wherein the said court has acquitted the respondent for commission of offence under Sections 279, 338, 304-A of the IPC, 1860 & under Sections

146/196, 39/192, 56/192, 66/192 of Motor Vehicle Act, 1988 for driving one vehicle Truck bearing registration No. MP ZD 7845 rashly and negligently and causing death of one Satish Chandrakar and driving said vehicle without having necessary documents related to vehicle and Traffic Rules.

5. To substantiate the charge, the prosecution examined only one witness namely Kushal Prasad Verma (PW-1). This witness has denied identifying the respondent. This witness did not depose before the trial Court regarding the incident. As per version of this witness one truck was taken to police station by the police authorities but for this fact this witness has not deposed anything regarding driving by the respondent rashly or negligently. Again, there is no evidence that any police authorities demanded certificate of insurance and registration certificate, fitness certificate and permit from the respondent. Certificates of driving license, registration certificate, insurance certificate, fitness certificate and the permit can be demanded in this manner by officers of Motor Vehicles Department only and without competent authority driver of the vehicle is not obliged to submit the required papers.
6. View taken by the trial court is one of the plausible view for which the trial court has elaborately discussed the entire evidence and after going through the record, this Court has no reason to record contrary finding. It is not a case where the

respondents 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

N.Mohle