

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 209 of 2020**

- State of Chhattisgarh, through- Police Station- Patthalgaon,
District- Jashpur (C.G.) ----- **Petitioner**

Versus

1. Sokro Bai, W/o Kirtan Ram Pradhan, Aged about 60 years,
2. Rajkumari, W/o Krishna Pradhan, Aged about 28 years,
3. Vishakha, W/o Sankirtan Pradhan, Aged about 58 years,
4. Kusto Ram Pradhan, S/o Kirtan Ram Pradhan, Aged about 35 years,
5. Kirtan Ram Pradhan, S/o Dhruvo Ram Pradhan, Aged about 24 years,
6. Harachand Pradhan, S/o Lukeshwar Pradhan, Aged about 24 years,
7. Sankirtan Ram Pradhan, S/o Dhruvo Pradhan, Aged about 60 years,

All Respondents are R/o- Gram Budhadand, Thana- Patthalgaon,
District- Jashpur (C.G.) ----- **Respondents**

For State/Petitioner : Shri Dinesh R.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

04/03/2020

1. Heard on I.A. No. 01/2020, which is an 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 132 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 the judgment dated 10th May, 2019 passed by Special Judge {Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989}, Jashpur (C.G.) in SC & ST Act No. 06/2019 wherein the said Court acquitted all the respondents for charge under Sections 147, 332 read with Section 149 and 506 Part-II of the Indian Penal Code (for short "the IPC"), 1860 and under Sections 3(i)(s) and 3(2)(va) of the Act, 1989.
5. In the present case, the complainant is Ghasiya Ram Rathiya (PW-1) who is posted as Revenue Inspector in Revenue Department, Government of Chhattisgarh at Patthalgaon. This witness deposed before the trial Court that on the date of incident he had gone to measuring the land of one Seeta Ram at village-Budadand, but this witness has denied any criminal act on the part of the respondent. The other witnesses have also not supported the version of the prosecution and their statement is bald and general in nature.
6. In the present case, 7 persons have been prosecuted. When a number of persons are prosecuted the prosecution is under obligation to establish their criminal intention and their act in furtherance of common intention or in furtherance of common object, but nothing is established in the present case through evidence.
7. The trial Court after evaluating the entire evidence recorded finding of acquittal. After going through the record, this Court is of the opinion that it is not a case where interference of this Court is

required in the judgment of the trial Court. It is also not a case where the respondents/accused should be called 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

Vasant