

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 183 of 2020

State of Chhattisgarh Through The In Charge Police - Station
Bagicha, District - Jashpur Chhattisgarh. **---- Petitioner**

Versus

Tedgu Ram @ Dashrath S/o Ghuran Ram Vadi, Aged About 25
Years R/o Village Barodih, Police Station Sitapur, District - Surguja
Chhattisgarh. **---- Respondent**

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

25.02.2020

1. Heard on I.A. No.1, which is an application for condonation of delay in filing the instant petition.
2. On due consideration, the application is allowed and the delay of 705 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 17.10.2017 passed by learned Sessions Judge, Jashpur (C.G.), in Sessions Case No. 46/2010 wherein the said Court has acquitted the respondent for commission of offence under Sections 399 & 402 of Indian Penal Code, 1860.
5. To substantiate the charge, the prosecution examined as many as nine witnesses, no one deposed before the trial Court that persons who were gathered near banyan tree of village Bodapahari-Chiropara including the present respondent. No seizure was made from the present

respondent. The present respondent has not arrested with the other co-accused persons therefore, there is nothing on record that respondent was in company of persons who made preparation to commit dacoity or assembled for committing dacoity.

6. The trial Court elaborately discussed 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