

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No.228 of 2009

- State Of Chhattisgarh, through Station House officer, Police Station Chirmiri, District Korea (C.G.)

---- Appellant

Versus

- Santram, S/o Nanhuram Nair, aged about 58 years, R/o Basna, District Raipur, Present Adds Chirmiri, District Korea (C.G.)

---- Respondent

For Appellant

Mr. Animesh Tiwari, Dy. AG

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

28/01/2021

1. This acquittal appeal is directed against the acquittal of respondent herein of the charges under Sections 457/34 & 380 of IPC passed by the Judicial Magistrate First Class, Manendragarh, Korea (C.G.) vide judgment dated 15.06.2005 in Criminal Case No.612/1994.
2. The prosecution story in brief is that during the intervening night of 11th and 12th April, 1986, the respondent entered

into the godown of SECL, Kurasiya Colliery and stolen armature coil and copper scrap amounting to Rs.3,069/- and thereby committed the offences.

3. The prosecution examined only one witness i.e. PW-1 Hanuman and could not examine the other witnesses, therefore, in light of the material available on record, the learned Magistrate has closed the case and acquitted the respondent herein, which has been called in question in this Acquittal Appeal.
4. I have heard learned counsel for the appellant/State and perused the record.
5. The learned Magistrate has duly recorded a finding that the prosecution has failed to establish the charges under Section 457/34 and 380 of IPC beyond reasonable doubt as prosecution has failed to lead evidence except the statement of PW-1 Hanuman, as such there is no evidence to hold that the respondent herein has committed the aforesaid offences. In that view of the matter, the learned Magistrate acquitted the respondent herein.

6. The learned Magistrate has rightly acquitted the respondent herein for want of legally admissible evidence on record, as such acquittal is in accordance with law.

7. I do not find any merit in this acquittal appeal. It fails and is hereby dismissed.

Sd/-
Sanjay K. Agrawal
Judge

Nirala