

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 756 of 2020

- State Of Chhattisgarh Through- Police Station Sariya District Raigarh, Chhattisgarh. --- **Petitioner.**

Versus

Pushpendra Dwivedi S/o Madhusudan Dwivedi Gram- Rahat, Thana- Chourahta, District- Rewa (MP) --- **Respondent.**

For the State :- Mr. Ravish Verma, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Per Manindra Mohan Shrivastava, J.

16.08.2021

Heard on application for condonation of delay, as well as, prayer for grant of leave to appeal against the judgment of acquittal.

Even if, we were inclined to condone the delay, we are not inclined to grant leave to appeal because in the present case the acquittal of accused Pushpendra who is alleged to have been driving the vehicle has been ordered after minute scrutiny of entire evidence on record resulting in conclusion that none of the witnesses have involved accused Pushpendra as the person driving the vehicle. Even according to the prosecution when vehicle intercepted, the occupants of the vehicle ran away from the spot. The I/O and two other policeman who are said have been present at the spot have not identified the Pushpendra. According to agreement of the seized vehicle, the vehicle is given by owner Santosh Kumar Singh to accused Rohit Tiwari. Rohit Tiwari is absconding.

In view of the above, there is no merit in the application therefore, CRMP is **rejected**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge