

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 808 of 2020**

- State Of Chhattisgarh Through Police Station, Bhilai Bhatti, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. S. Anand @ Monu S/o S. Prasad Rao Aged About 23 Years Resident Of Sector 4, Street 35, Quarter No. 2 B, Bhilai, Police Station Bhilai Bhatti, District : Durg, Chhattisgarh
2. Krishna Harpal @ Kocha @ Pappu S/o Kamraj Harpal Aged About 27 Years R/o Sector 4, Street 31, Quarter 7 B, Bhilai, Police Station Bhilai Bhatti, District : Durg, Chhattisgarh

--- Respondents

For Petitioner/State : Mr. Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****25/03/2021**

1. Heard on application for condonation of delay as well as on prayer for grant of leave to appeal.
2. Even if, we are inclined to condone the delay, we do not find any good ground to interfere with the judgment of the Court below, by which, respondent has been convicted under Section 324 IPC only acquitting him from charge of commission of offence under Section 307 IPC. The victim (PW-3) has himself come out with the evidence that while he was walking on the road in the night at around 9 to 9:30 pm, he heard noises and a quarrel was going on and when he approached at that spot, he saw that respondent-accused S. Anand @ Monu and one Krishna Harpal @ Kocha @ Pappu were quarreling with third person and then respondent-accused came running towards this injured and requested to save him and by that time, the other boys approached at the spot and then respondent-accused took out knife and wielded it in the dark, due to which, the victim (PW-3) sustained injury in the neck.
3. In his cross-examination, he has admitted that accused has no enmity with him and nor any quarrel taken place on that day or on any previous day. The injury stated to be simple. There is no evidence to say that the accused

repeated assault.

4. Taking into consideration the aforesaid collectivity of the evidence of none other than the victim himself, the Court below has come to the conclusion that the prosecution has failed to prove its case beyond doubt that accused has any intention to cause death. The view taken by the learned trial Court, if we may say so, is fully in accord with the evidence of victim himself. Therefore, there is no scope of interference against judgment of acquittal. Therefore, the application is rejected.

5. The CRMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge