State Of Chhattisgarh Vs Mohan Yadav

Criminal Miscellaneous Petition (CRMP) No. 1658 Of 2019

Court: Chhattisgarh High Court

Date of Decision: Aug. 21, 2019

Acts Referred:
Indian Penal Code, 1860 â€" Section 279, 304A#Motor Vehicles Act, 1988 â€" Section 66, 192

Citation: (2019) 08 CHH CK 0140

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Alok Nigam

Final Decision: Dismissed

Judgement

Arvind Singh Chandel, J

1. Heard on I.A. No.1 for condonation of delay of 95 days in filing the instant Cr.M.P. On due consideration of the reasons mentioned in the I.A., it is

allowed and delay is condoned.

2. Heard on admission. Also perused the impugned judgment, statements of witnesses and other documents available.

3. Vide judgment dated 11.12.2018 passed by the Judicial Magistrate First Class, Link Court, Kanker, District Uttar Bastar Kanker in Criminal Case

No.536 of 2017, the Respondent/accused has been acquitted of the charges framed under Sections 279 and 304A of the Indian Penal Code and

Section 66/192 of the Motor Vehicles Act.

4. As submitted by Learned Counsel appearing for the State/Petitioner, in support of its case, the prosecution examined as many as 8 witnesses before

the Trial Court. Their depositions have been filed along with the present Cr.M.P. Prem Singh (PW1), Sanjay (PW2) and Mehar Singh (PW3) have not

supported the case of the prosecution and turned hostile. They have only stated that they reached the spot after the incident in question. Though

Kejuram (PW4) has stated that when he reached the spot, he saw that one vehicle 407 was present on the spot which belonged to the Respondent.

This witness has also admitted that since he was not present at the time of incident, he was unable to say who caused the accident. Mangtin (PW5),

mother of the deceased is also not an eyewitness. Bhagbali (PW6) is also not an eyewitness. He has only stated that after the incident the Respondent

came to him and told that he had crushed the deceased under his vehicle and, therefore, the deceased was to be taken to hospital. Since this witness is

also not an eyewitness, he was also unable to explain or say that how and in what manner the vehicle was being driven by the Respondent. Chamra

(PW7) has deposed in examination-in-chief that the Respondent, while driving the pick up vehicle, dashed the deceased. But, in his cross-examination,

this witness has also admitted that he had also reached at the spot after the incident.

5. From the above, it is clear that none of the witnesses has stated that any of them saw the incident. Therefore, the Trial Court has rightly acquitted

the Respondent.

6. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage

itself.