

(2019) 02 CHH CK 0222

Chhattisgarh High Court

Case No: Criminal Misc. Petition No. 249 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Virendra Yadav

RESPONDENT

Date of Decision: Feb. 14, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 378(3)
- Indian Penal Code, 1860 - Section 279, 338

Hon'ble Judges: Ram Prasanna Sharma, J

Bench: Single Bench

Advocate: Raghavendra Pradhan

Final Decision: Dismissed

Judgement

Ram Prasanna Sharma, J

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.
2. On due consideration, the application is allowed and the delay of 77 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This petition is preferred against the judgment of acquittal dated 06.7.2018 passed by Judicial Magistrate First Class, Tilda, Distt. Raipur (CG) in Criminal Case No.343/2017 wherein the said Court acquitted the respondent for the charges under Sections 279 & 338 of the Indian Penal Code for driving Hyva vehicle bearing registration No.CG 12 U 1583 rashly and negligently causing grievous injury to one Goverdhan Banjare.

5. Droupati Banjare (PW-1) deposed before the trial Court that she was not present at the time of the incident, therefore, she is unable to say who was driving the vehicle. Dinesh Yadav (PW-2) also deposed that he reached to the spot after the incident, therefore, he is also not able to say who was driving the vehicle. He is also unable to say the registration number of the vehicle. Goverdhan Banjare (PW-3), Rajeshwari (PW-4) and Sushil (PW-9) also have no occasion to see who was driving the vehicle at the time of the incident and the number of the vehicle.
6. The trial Court after evaluating the entire evidence, recorded a finding of acquittal. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the matter.
7. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.