

(2019) 02 CHH CK 0264

Chhattisgarh High Court

Case No: Criminal Misc. Petition No. 26 Of 2019

State Of Chhattisgarh Through
The Police Station Darima

APPELLANT

Vs

Ravindra Vyapari

RESPONDENT

Date of Decision: Feb. 18, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 378(3)
- Indian Penal Code, 1860 - Section 269
- Chhattisgarh Ayurvigyan Parishad Adhiniyam,1987 - Section 11, 24

Hon'ble Judges: Ram Prasanna Sharma, J

Bench: Single Bench

Advocate: Shubha Shrivastava

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 89 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 07.6.2018 passed by Judicial Magistrate First Class, Ambikapur Distt. Surguja passed in Criminal Case No.5585/2013 wherein the said Court acquitted the respondent for the charges under Section 269 of the Indian Penal Code

and under Sections 11 & 24 of the Chhattisgarh Ayurvigyan Parishad Adhiniyam, 1987.

5. The respondent was charged sheeted for injecting one Ku. Poonam without sterilizing the syringe and caused infection to her thereby endangering her life. To substantiate the charges, the prosecution has examined as many as 6 witnesses. But no one deposed before the trial Court that any infection was caused to Poonam, after receiving injection from the respondent. The trial Court discussed the entire evidence and recorded finding that the evidence against the respondent is lacking to establish the guilt.

6. After reassessing the entire evidence, this Court has not 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.