

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1889 of 2018**

State of Chhattisgarh, Through - Police Station Baloda Bazar,
District- Baloda Bazar Bhatapara (C.G.)

---- Petitioner**Versus**

Ajay Dewar, S/o Rakesh Dewar, Aged About 22 Years, R/o Village Dadhi, District- Durg (C.G.) Presently residing at Village Bhainsapara, Police Station- Baloda Bazar, District- Balodabazar Bhatapara (C.G.)

---- Respondent

For State/ Petitioner : Mr. Gary Mukhopadhyay, G.A.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****30/11/2018**

1. Learned counsel for the State/ petitioner seeks to withdraw I.A. No. 01/2018, application for condonation of delay in filing the petition, as there is no delay in filing the petition.
2. Accordingly, I.A. No. 01/2018 is dismissed as withdrawn.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 21.06.2018 passed by Judicial Magistrate First Class, Baloda Bazar (C.G.) in Criminal Case No. 339/2012, wherein the said court acquitted the respondent for commission of offence under Sections 294, 323 & 506 (Part-II) of IPC, 1860.

5. In the present case, the respondent was charge-sheeted for uttering filthy abuses in public place, threat to kill one Pappu Saluja and caused voluntarily simple hurt to said person.
6. No one examined before the trial court to establish any of the charge. As the evidence is lacking, the trial court had no option but to acquit the respondent for the charges mentioned above.
7. This Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge