

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1057 of 2013**

State of Chhattisgarh, Through: The District Magistrate – Raipur
(C.G.)

---- Petitioner**Versus**

Yuvraj Singh Sahu, S/o - Toran Lal Sahu, Aged about – 46 Years,
R/o - P.W.D. Colony Bhatgaon, P.S. - Bilaigarh, District – Raipur
(C.G.) Permanent Address – Village – Tilkhairi, P.S. - Arjunda,
District - Durg (C.G.)

---- Respondent

For State/Petitioner : Shri Afroj Khan, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****28/06/2019**

1. Heard on I.A. No. 01/2013, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 41 days in filing the petition is condoned.
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 the judgment dated 10th July, 2013 passed by Judicial Magistrate First Class, Raipur, District – Raipur (C.G.) in Criminal Case No. 461/2011 acquitted the respondent for charge under Section 279, 337 and 338 of IPC, 1860 for driving negligently Alto Car bearing registration No. C.G.

07 M.A. 1894 and causing simple injury to Arun Kumar Kashyap and grievous injury to Naindas Kurre.

5. To substantiate the charge, the prosecution examined 7 witnesses. No one deposed before the trial Court that as to who was really driving the vehicle Alto Car as mentioned above at the time of incident. Tilak Ram Verma (PW-1) deposed before the trial Court that the vehicle Alto Car involved in the accident, but he is not able to say as to who was driving the vehicle at the time of accident. No other witness is able to say that who was really driving the vehicle at the time of accident. Looking to the entire evidence, the trial Court recorded finding that negligence on the part of the respondent is not established.
6. After going through the record, the trial Court recorded finding of acquittal and this Court has no reason to take contrary view. It is not a case where order of the trial Court requires any interference of this Court and it is not a case where the respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge