
(2019) 08 CHH CK 0080

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1851 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Pramod Malekar And Ors

RESPONDENT

Date of Decision : 13-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 436

Citation : (2019) 08 CHH CK 0080

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : R.S. Baghel

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard on I.A. No.1, application for condonation of delay in filing the appeal as also on admission.
2. On due consideration, delay of 55 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Sections 436/34 of IPC.
4. According to the prosecution at about 3:30 pm on 19.11.2018 the accused persons put on fire the cycle repairing Gumti belonging to PW-3, Ranjeet Sahu. The said Ranjeet Sahu was not present on the spot but was informed about the incident by PW-1, Kartik Choudhary. The prosecution would further allege that PW-1, Kartik Choudhary, and PW-2, Taaran Sahu, have witnessed the incident, however, when examined in Court these two witnesses have turned hostile and have not supported the case of prosecution. Even the complainant, PW-3, Ranjeet Sahu, has turned hostile and has not named the present accused persons as the persons involved for setting his Gumti on fire.

5. Considering the nature and quality of evidence available on record the present is not considered to be a fit case for grant of leave to appeal.
6. Accordingly, Cr.M.P. is dismissed.