



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Cr.M.P No. 11 of 2022

State Of Chhattisgarh Through - District Magistrate Kondagaon (C.G.)
---- **Petitioner**

Versus

Chandaka Ram Naidu S/o Tavdu Aged About 35 Years R/o - Bhagirathipuram
B.C. Colony, Police Vijaynagaram (A.P.)
---**Respondent**

For Petitioner/State: Shri BP Banjare, Dy. G.A.

Single Bench:Hon'ble Shri Deepak Kumar Tiwari J
Order On Board

07.01.2022

1. This Petition has been filed under Section 378 (3) Cr.P.C, 1973 for grant of leave to Appeal challenging the judgment of acquittal dated 08.09.2021 passed by the Judicial Magistrate First Class, Kondagaon (CG) in Criminal Case No.192/2018 whereby, the accused/Respondent was acquitted from the offence punishable under Sections 283, 338 and 304-A IPC.

2. Learned Counsel for the Petitioner submits that the findings recorded by the trial Court are improper, unjust and bad in law. The trial Court has failed to appreciate the evidence of Sulo Markam, who has stated in her Court statement that the incident took place near Jailal Dhabha where the accused/ Respondent had parked his truck carelessly without turning on the parking and signal lights, as a result of which, the motorcycle of the deceased collided with the said truck.

3. Having considered the submissions made by the Counsel for the State/ Petitioner and also having gone through the statements recorded by the prosecution, this Court opines that the trial Court has appreciated the evidence in a proper manner and has rightly come to the conclusion that the



deceased himself had an opportunity to avoid the said accident as the vehicle was parked on the road and the other vehicles were also moving at the same place.

4. Therefore, the view taken by the trial Court is one of the possible views. It is settled law that if two views are possible, then the view which is favourable to the accused should be accepted.

5. In view of above, this Court is of the opinion that the finding given by the trial Court is not liable to be interfered with. Accordingly, the instant Petition has no substance and is hereby dismissed.

Sd/-

(Deepak Kumar Tiwari)
JUDGE

