

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Miscellaneous Petition No.467 of 2015**

State of Chhattisgarh, through the Station House Officer, Police Station Saja,
District Bemetara (Chhattisgarh)

---- **Petitioner****Versus**

Piluram Gond, S/o Bhakla Gond, aged about 45 years, R/o Village
Keshdabri, Police Station Saja, District Bemetara (Chhattisgarh)

---- **Respondent**

For State/Petitioner	:	Shri Vinod Deshmukh, Deputy Govt. Advocate
For Respondent	:	None

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per NAVIN SINHA, C.J.****22/7/2015**

1. The present leave to appeal questions the acquittal of the Respondent under Section 302 of the Indian Penal Code in Sessions Trial No.32/2013 ordered by the Sessions Judge, Bemetara dated 27-2-2015.
2. Learned Counsel for the State submits that the trial Court did not adequately consider the memorandum of the Respondent leading to recovery of the iron rod used for assault.
3. We have considered the submission. An order of acquittal is not to be lightly interfered unless there has been grave miscarriage of justice or complete erroneous appreciation of evidence and application of wrong principles of criminal jurisprudence. The present was a case of circumstantial evidence. All the links in the chain of circumstances were required to be complete for invoking the last seen theory. It is evident from the deposition of PW-3 Sukhnandan Yadav that the deceased and the Respondent had parted ways. Likewise, PW-4 Ashok Yadav has deposed to the same effect. That snaps the link in the chain of circumstances to invoke the last seen theory. On basis of mere recovery

of alleged weapon of assault and with regard to which also there is no forensic science expert's report regarding presence of blood, we do not find any reason to interfere with the conclusion of the learned Sessions Judge in paragraph 43 of the judgment that applying the principles of circumstantial evidence and last seen theory, conviction of the Respondent could not be ordered.

4. The petition for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE