NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 540 of 2015

State Of Chhattisgarh Through The Station House Officer, Police Station Dharamjaigarh, District Raigarh, C.G.

---- Petitioner

Versus

Sundar Sai Ekka, S/o Shaniram Ekka, aged about 45 years, R/o Village Aamapali, Police Station and Tahsil Dharamjaigarh, Distt. Raigarh CG

---- Respondent

For Petitioner/State: Shri B. Gopa Kumar, Dy. Advocate General
For Respondent: None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per **Navin Sinha, Chief Justice**

22/07/2015

1. Heard Learned Counsel for the Petitioner.

2. The present petition assails order of acquittal dated 4.3.2015 of the Respondent by the Sessions Judge, Raigarh in Sessions Trial No.5/2015.

3. Learned Counsel for the Petitioner submits that the confession leading to recovery of 'tangi' has not been adequately considered.

4. We have considered the submission. An order of acquittal is not to be likely interfered with unless there has been a grave miscarriage of justice or palpable erroneous appreciation of evidence and application of the wrong principles of criminal jurisprudence.

5. The only material in a case of last seen theory is the recovery of a 'tangi' alleged to have been used for assault, on confession, but without any FSL report regarding presence of any blood on it. In a case of circumstantial evidence based on the last seen theory, the discussion by the Trial Court in paragraph-24 of the judgment is well reasoned and considered and we find no reason to interfere with the same.

6. The Cr.M.P is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya