

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. NO. 738 OF 2015**

State of Chhattisgarh, through Station House Officer, Police Station –
Khadgawa, District Korea (C.G.)

... Appellant**Versus**

Shivnarayan Singh S/o Gopal Singh, age 42 years, R/o Village Chhote
Salhi, Police Station Khadgawa, District Korea (C.G.)

... Respondent

For Appellant : Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per NAVIN SINHA, C.J.****28/09/2015**

1. The present application for leave to appeal is barred by 105 days.
2. The State assails the acquittal of the Respondent on 21.1.2015 in Sessions Trial No. 116 of 2010 by the Second Additional Sessions Judge, Manendragrah, of the charge under Section 302 IPC.
3. Learned Counsel for the State submits from the evidence of PW-5, wife of the deceased, that the Respondent had humped on the chest of the deceased with his head twice, after pushing him against the wall.
4. We have considered the submissions and are not satisfied that the aforesaid allegation invites the offence under Section 302 IPC. Moreover, the Trial Judge has adequately discussed from the medical evidence that the deceased had consumed excess alcohol and died of asphyxia but gave no specific opinion that asphyxia was the result of any compression of the chest area, or that death was homicidal in nature.
5. We therefore find no reason to grant leave to appeal.
6. Delay is condoned.
7. Application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge