

HIGH COURT OF CHHATTISGARH, BILASPUR

Acquittal Appeal No. 47 of 2015

Shivdayal, S/o Lakhan, aged About 56 Years, R/o Tilaibhat, Tah. Pandariya, District Kabirdham Chhattisgarh.

---- Appellant

Versus

1. Jaleshwar Sahu, S/o Ghanaram Sahu aged bout 35 Years, R/o Tilaibhat, Police Station Kunda, District Kabirdham Chhattisgarh.
2. State Of Chhattisgarh Through Police Station Kunda, District Kabirdham Chhattisgarh.

----Respondents

For Appellant:- Shri Ravi Kumar Bhagat, Advocate.

For Respondent No.2/State:- Smt Smita Ghai, PL.

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

Order On Board

Per Navin Sinha, Chief Justice

11/09/2015

1. This Acquittal Appeal assails order dated 1.10.2014 of the Additional Sessions Judge, Kabirdham in Sessions Trial No.28/2014 acquitting Respondent No.1 of the charge under Sections 382 and 302 IPC.
2. Learned Counsel for the Appellant submits that even if it was a case of circumstantial evidence, blood has been found on the clothes of Respondent No.1 confirmed in the FSL report and money looted recovered on the confession of Respondent No.1, kept dug under the earth by him. Both these factors combined together were sufficient for conviction in a case of circumstantial evidence.
3. We have considered the submissions on behalf of the State also.
4. In a case of circumstantial evidence, all the links which form the chain

of circumstances must be complete, each one of them linked to the other leading to the only conclusion for the guilt of the accused and ruling out any possibility of innocence. The Trial Judge has adequately discussed the four circumstances of the case on basis of which, the needle for suspicion pointed towards Respondent No.1 and an analysis of the evidence with regard to each of the circumstances such as the presence of Respondent No.1 in the house of the Appellant, the blood on his clothes, that Respondent No.1 was the first to reach when the murder was discovered and recovery of a sum of Rs.22,500 by a reasoned discussion to conclude that conviction on basis of circumstantial evidence was not possible as all the links in the chain of circumstances to hold guilt was not complete. Motive, an important aspect in a case of circumstantial evidence has also been discussed to arrive at a conclusion that it was completely wanting.

5. We see no reason to interfere with the order of acquittal for lack of appropriate evidence in a case of circumstantial evidence.

6. The appeal is dismissed.

Sd/-
(Navin Shiha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE