

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 50 of 2016**

The State Of Chhattisgarh Through - District Magistrate Raipur
Chhattisgarh

---- Petitioner

Versus

Anil Singh, S/o Virendra Singh Aged About 29 Years R/o Village
Padiya, Police Station Rampur Badhelan, Distt. Satna M.P.

-----Respondent

For Appellant/State:

Shri B. Gopa Kumar, Deputy
Advocate General.

For Respondent:

None.

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Navin Sinha, Chief Justice****20/1/2016**

1. The present application has been filed for leave to appeal against acquittal on 13.9.2015 under Sections 302 and 201 IPC by the Sessions Judge, Raipur in Sessions Trial No.100/2015.

2. Learned Counsel for the State submits that the present was a case of circumstantial evidence. The deceased was last seen with the Respondent, a fact which has not been properly considered.

3. The Sessions Judge has held that the deceased was last seen with the Respondent on 5.2.2015. The body was recovered on 18.2.2015. The medical report is that the cause of death could not be clearly ascertained. The allegation of death by electrocution has therefore not been proved. To invoke the last seen theory which is a part of circumstantial evidence, there has to be

proximity of time between when the accused and the deceased was seen together and the recovery of the body. The longer the duration, the greater the suspicion and the unlikelihood of attracting the last seen theory.

4. We are not satisfied that the present is a fit case for grant of leave to appeal.

5. The application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE