

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P No. 1110 of 2015**

State Of Chhattisgarh Through The Station House Officer, Police  
Station Kotwali, Jagdalpur, District Bastar Chhattisgarh.

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

1. Kapil Dev Yadav S/o Ram Bachan Yadav Aged About 23 Years R/o Village Rakhi Newada, Police Station Jansa, District Varanasi (U.P.).
2. Prabhunath Yadav S/o Late Dukhharan Yadav Aged About 64 Years R/o Village Amheta, Police Station Khanpur, District Gajipur (U.P.)

**-----Respondents**


---

|                       |                                                     |
|-----------------------|-----------------------------------------------------|
| For Petitioner/State: | Shri Vinod Deshmukh, Deputy<br>Government Advocate. |
| For Respondents:      | None.                                               |

---

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

**Judgment on Board****Per Navin Sinha, Chief Justice****11/1/2016**

1. IA. No.1/2015 is filed to condone delay of two days in filing the petition.
2. Considering the duration, the application is allowed. Delay is condoned.
3. The present petition assails acquittal under Sections 302 and 120-B IPC as ordered on 18.8.2015 in Sessions Trial No.20/2011 by the Special Judge (Atrocities), Jagdalpur.
4. Learned Counsel for the State submits that the acquittal on benefit of doubt was not justified. It completely ignores the confession of Respondent No.1 of having killed the deceased Umesh Yadav and then covering his body with the clothes of Kanhaiya Yadav to obtain the monetary benefit of Bajaj

Alliance Life Insurance Policy taken out in the name of Kanhaiya Yadav. He submits that though there is no direct eye-witness account, the confession of Respondent No.1 finds corroboration from other witnesses that he had brought deceased Umesh Yadav on promise to get him a job and then killed, covered the body with the clothes of Kanhaiya Yadav to extract the benefit of Life Insurance Policy even while Kanhaiya Yadav remained alive. As part of the conspiracy, the body of Umesh Yadav was identified by the Respondents as that of Kanhaiya Yadav.

5. In absence of any eye-witness account to the murder, confession before the police being inadmissible under Section 27 of the Evidence Act, there being no other corroborative evidence recorded to link Respondent No.1 with the murder of the deceased, the benefit of the Life Insurance Policy also not having been released in the name of Kanhaiya Yadav, we find no reason to interfere with the benefit of doubt given to the Respondents.

6. The application for leave to appeal is dismissed.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**