

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 544 of 2010

- State of M.P., through District Magistrate, Bilaspur (CG)

---- Petitioner

Versus

- Shubhwati W/o Motichand Yadav, Aged 28 years, R/o. Qtr. No. B/792, Yamuna Bihar, NTPC, Darri TahsilKorba, District Bilaspur M.P. Now CG

---- Respondent

For Petitioner/State	: Shri Anil Pillai, Dy.AG
For Respondent	: None present.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board by Manindra Mohan Shrivastava,J.

25/10/2018

Heard on prayer for grant of leave to appeal.

Despite all attempts made till date, relevant records have not been traced. The matter would require enquiry in separate proceedings.

As far as the prayer of the State seeking leave to file appeal against the impugned judgment dated 20th February 1997 passed in S.T. No. 188/89 is concerned, having gone through the impugned judgment of conviction, we find that the respondent has been acquitted of the allegation of murder taking into consideration the evidence of Santosh Kumar Yadav (PW-3) who has deposed that the respondent/accused had gone to the market along with him and his younger brother and when they came back home they found that his grand mother was lying dead. It was found that the prosecution witness has not supported the case of the prosecution. The evidence of other independent witness namely Satyanarayan Bhujaliya (PW-7) and Rohtan

Singh (PW-12) has also been taken into consideration that in their evidence nothing has come to involve the respondent. Learned trial court found that none of the prosecution witnesses have supported the case of the prosecution.

We find that the learned trial court has examined in detail the evidence of the investigating officer and the entire material on record and found that none of the circumstantial evidence has been proved to involve the respondent in the alleged commission of the offence. The entire case of the prosecution was based on circumstantial evidence therefore, we are not inclined to grant leave to appeal. The application is rejected.

Let a separate office reference be registered taking into consideration that the original records are not traced despite requisition sent to the office of District and Sessions Judge, Bilaspur and inquiries made from different offices.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge