

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1469 of 2018

- The State Of Chhattisgarh, Through-District Magistrate, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Toman Lal S/o Udeyram Gond R/o- Village Pandetola, P.S.- Chhuria, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

22/10/2018

Heard on I.A.No.1, application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay is condoned.

We have heard learned State counsel on the prayer for grant of leave to appeal against judgment of acquittal.

The entire case of the prosecution was based on circumstantial evidence. We do not find from the evidence on record that the prosecution has established any strong motive for the respondent to kill the deceased. The only circumstantial evidence led by the prosecution relates to recovery of two stones which is alleged to be used by the respondent in assaulting the deceased. The FSL report does not contain any incriminating evidence to connect those stones with the alleged commission of offence as the FSL report does not prove that any blood stain much less that of the origin and blood group of the deceased was found on those stones. Except this, there is no circumstantial evidence proved by the prosecution.

Learned Trial Court, taking into consideration all the above aspects, has acquitted the respondent by giving him benefit of doubt. We do not find present to be a fit case for grant of leave to appeal. This petition is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Rajani Dubey)
Judge**