

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1929 of 2018

State Of Chhattisgarh Through The District Magistrate, District - Raigarh,
Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

Abhigyan Pujari @ Chhuttan S/o Awadhesh Pujari Aged About 27 Years R/o
Indira Chowk, Baramkela, P.S. Baramkela, District - Raigarh, Chhattisgarh.,
District : Raigarh, Chhattisgarh

---- Respondent

For State/Petitioner : Shri Ramakant Mishra, Dy.A.G.

Division Bench : Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mrs. Justice Rajani Dubey

Order On Board

31/10/2018

1. Application for condonation of delay in filing the appeal is considered and allowed. Delay in filing the appeal is condoned.
2. Learned counsel for the State/applicant would argue that even though the material witnesses of the prosecution have turned hostile, the statement made by the respondent-accused in his disclosure statement shows his involvement and from the respondent-accused, seizure of incriminating article on his memorandum was recovered. He would further submit that in FSL report, the T-shirt of the respondent-accused is found blood stained of which no explanation has been given by the respondent. Therefore, this by itself, without anything more, was sufficient to record guilt of the respondent.
3. We have gone through the impugned order and the statement of witnesses. All the eyewitnesses of the case have turned hostile. The recovery of T-shirt

from the respondent itself has been found to be doubtful. In any case, the prosecution has failed to prove that the T-shirt allegedly seized from the respondent-accused on his memorandum contained the blood of group and origin of the deceased. Therefore, we do not find that present is a fit case for grant of leave to appeal against judgment of acquittal.

4. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Praveen