

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 71 of 2010**

- Ramvilas Manikpuri, aged about 45 years Son of Chamru Ram Manikpuri, Occupation Government Service (Patwari), Resident of Mathpara Ambikapur, District Surguja (C.G.)

---- Applicant**Versus**

1. Surendra Bhagat Son of Vijay Prakash, aged about 29 (20) years, Resident of Village Jargeem, Police Station Shankargarh, District Surguja (C.G.) Present address Bhathupara, Ambikapur, District Surguja (C.G.)
2. State of Chhattisgarh, through the Police Station Ambikapur, District Surguja (C.G.)

---- Respondents

For Applicant	:	Shri Vivek Bhakta, Adv.
For Respondent/State	:	Shri K.K. Singh, G.A.

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

Order On Board by Hon'ble Shri Justice Manindra Mohan
Shrivastava

03.04.2019

1. Heard on admission.
2. This revision petition arises out of the judgment of acquittal dated 07/11/2009 by which the accused/respondent No.1 has been acquitted of the charges under Sections 302 read with Section 120-B, 507 and 386 of the IPC. The allegation against the accused/respondent No.1 was that one Praveen Kumar Manikpuri was kidnapped and a demand for ransom was made. Later on, the dead body of Praveen Kumar Manikpuri was recovered. The allegation of commission of offence was against

accused/respondent No.1 and a juvenile was also said to be involved, who was tried separately.

3. Learned Trial Court found that as against the accused/respondent No.1, the prosecution failed to prove that he was involved for alleged commission of offence. This revision petition arises out of the said judgment of acquittal.
4. Learned counsel for the appellant would argue that even though there was a clinching evidence of Ramvilas Manikpuri (PW-2) and report of hand writing expert that the document in question said to have been written by the accused/respondent No.1 was examined, and it was found to be of the same hand-writing as contained in Ex. P-4, letter for ransom, the learned trial Court acquitted the accused/respondent No.1 by extending him benefit of doubt.
5. The learned Trial Court, after examining the evidence on record, found that there was no evidence led by the prosecution to prove that the deceased was last seen with the accused/respondent No.1. There was no evidence to prove that accused/respondent was seen in the company of juvenile accused. Learned trial Court has also recorded finding that the evidence of Ramvilas Manikpuri (PW-2) that when he had gone to Police Station along with father of juvenile, the juvenile disclosed the name of accused/respondent No.1, is not reliable because in the diary statement of Ramvilas Manikpuri (PW-2), there is complete omission of this disclosure. In other words, this witness (PW-2) has not supported the prosecution story on these lines that his son disclosed the name of accused/respondent as one of the co-accused.

So far as the report of hand-writing expert is concerned, learned Trial Court found that the independent witnesses of seizure of specimen document Rajesh Malik (PW-8) and Vijay Kumar Gupta (PW-9) have turned hostile and did not support the prosecution story of seizure of any document from the respondent/accused, and therefore, the prosecution failed to

prove that the document in question and the specimen document report of hand-writing expert in any manner incriminates the accused/respondent No.1. The finding recorded by the learned Trial Court that the prosecution has failed to prove that seizure of questioned documents and seizure of specimen hand-writing of respondent/accused are doubtful because independent witnesses of seizure have not supported the prosecution case and that Ramvilas Manikpuri (PW-2) himself has not supported prosecution story of questioned document seized from his possession, we find ourselves unable to interfere with the finding of the learned Trial Court as the finding does not suffer from any illegality or impropriety, nor can it said to be in ignorance of any material on record or any incriminating evidence led by the prosecution, the scope in a revision petition against the order of acquittal being limited.

6. In the result, we do not find any illegality or infirmity in the impugned judgment of acquittal of accused warranting interference by this Court in exercise of inherent jurisdiction.
7. The Criminal Revision is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge