

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1020 of 2013

- State Of Chhattisgarh Through Sho,p.S. Utai, Civil And Rev. Distt. Balod C.G

---- Petitioner

Versus

- Yogendra Kumar Dewangan S/o . Bisnath Dewangan Aged About 31 Years
R/o. Vill. Sirri, Out Post Machandur, P.S. Utaik, Civil And Rev.Distt. Balod C.G

--- Respondent

For Petitioner/State : Mr. Santosh Bharat, Panel Lawyer.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/06/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. The argument of learned State Counsel is that despite there being serious allegation and circumstantial evidence led by the prosecution that the respondent-accused had declared that he had gone back home and later on, deceased was found dead in the house and there being clinching medical evidence of deceased having been strangled to death, the learned trial Court has acquitted the accused ignoring the incriminating circumstantial evidence.
5. Despite there being serious allegation in the case, we find that the learned trial Court has granted benefit of doubt to the accused because the prosecution has failed to lead clinching circumstantial evidence completing chain of circumstance so as to involve respondent-accused in the alleged commission of offence. In the absence of there being any evidence that the appellant was seen in the house along with deceased and there was no body else or that he was seen entering or coming out the house or any other evidence connecting the appellant with the commission of offence, in our opinion, the learned trial

Court does not seem to have committed any patent illegality or perversity in acquitting the respondent-accused giving him benefit of doubt. Keeping in view the limited scope of interference against judgment of acquittal, we do not find any good ground to grant leave to appeal.

6. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Ravi