

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 310 of 2014

State Of Chhattisgarh Through SHO, PS Nawagarh, Distt. Janjgir-Champa C.G. ,
Chhattisgarh

---- Petitioner

Versus

1. Dharamdas @ Dharam S/o Bhimram Satnami Aged About 43 Years R/o Village Hardi Hari Amanara Ps Nawagarh, Distt. Janjgir-Champa C.G. , Chhattisgarh
2. Panchram S/o Ghasiya Ram Satnami Aged About 29 Years R/o Village Hiragarh Turi, Ps Nawagarh, Distt. Janjgir-Champa C.G. , District : Janjgir-Champa, Chhattisgarh
3. Ramnarayan @ Nammu Gadewal S/o Nanki Aged About 45 Years R/o Village Bhatapara, Janjgir Ward No. 21 Ps Janjgir, Distt. Janjgir-Champa C.G. , District : Janjgir-Champa, Chhattisgarh
4. Maharathi @ Maharathi Baghel S/o Ghanaram Baghel Aged About 48 Years R/o Kharpadipara, Janjgir Ward No. 19, Ps Janjgir, Distt. Janjgir-Champa C.G. , District : Janjgir-Champa, Chhattisgarh

---- Respondents

For State/Petitioner : Shri Neeraj Mehta, Panel Lawyer

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

18/04/2019

1. Heard on IA No.1, application for condonation of delay in filing the acquittal appeal.
2. Upon due consideration of the reasons assigned in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Also heard on prayer for grant of leave to appeal.
4. Learned counsel for the State would argue that even though the motive and evidence of last seen was led by the prosecution, the learned trial

Court has given benefit of doubt and acquitted the respondents/accused.

5. We have gone through the impugned judgment of acquittal and the evidence on record, particularly the evidence of those witnesses who are said to have last seen the deceased with the respondents, namely Bhojram Gupta (PW3) and Savitri Bai (PW9).
6. The evidence of Savitri Bai (PW9) is of the deceased having been seen in his house on 19.4.2012. As far as evidence of Bhojram Gupta (PW3) is concerned, the learned trial Court has taken into consideration the evidence that even according to this witness, deceased and the respondents were seen in one shop but the deceased was not seen going along with them. The dead body of the deceased was found after 6 days.
7. On the face of the aforesaid evidence, learned trial Court, in our view, has recorded a finding which is plausible because the entire case of the prosecution is based only on last seen theory.
8. In view of the above, given the limited scope of interference against the judgment of acquittal, no case is made out for grant of leave.
9. The petition is accordingly dismissed.
10. Records of the Court below be sent back.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge