

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 579 of 2019

- State Of Chhattisgarh, Through Station House Officer, Police Station Bortalab, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Likhil @ Monu, S/o Rajendra Mahar, Aged About 19 Years,
- Gaurav @ Goru, S/o Late Narendra Kumar Bhatiya, Aged About 28 Years,
- Arjun S/o Ganesh Yadav Aged About 21 Years,

All are R/o Village Bortalab, Police Station Bortalab, District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner/State : Shri Subhash Yadav, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Per :- Hon'ble Smt. Justice Rajani Dubey

02.05.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal filed by the State.
5. Learned counsel for the State submits that the learned Trial Court committed gross perversity in acquitting the respondent/accused because there were clinching evidence of PW-3 and certain minor contradictions and omissions in the statement of the PW-4, PW-5 and PW-6. He would further argue that the manner in which these witnesses has stated before the Court, a case of commission of murder is made out.
6. We have gone through the entire judgment of conviction and evidence led by the prosecution and particularly that of the witnesses were turned hostile even the father, mother and sister of deceased have not stated anything against the accused/respondent.

7. Learned trial Court has taken into consideration the fact that witnesses have not said anything against accused/respondent, even PW-3 not clearly supported the case, therefore, under these circumstances, the judgment of learned trial Court does not suffer from any patent illegality, perversity so as to warrant interference by this Court, keeping in view limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.
8. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge