

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 885 of 2019

- State Of Chhattisgarh Through Police Station Arjunda, District : Balod, Chhattisgarh

---- Petitioner

Versus

- Santosh Kumar Sahu S/o Hiraaram Sahu Aged About 25 Years R/o Ward No. 19, Bhatapara Kandul, Police Station Arjunda, District : Balod, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Anand Verma, Dy. 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

18.06.2019

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.
5. Learned counsel for the State submits that the even though there is no direct evidence led by the prosecution, from the set of circumstantial evidence led and proved by the prosecution the learned trial Court ought to have held that it was the accused and the accused alone who must killed the deceased. He would further argue that there is an evidence of love affair between the accused and deceased and the deceased was found dead in her own house. The medical evidence proves death by way of strangulation. Learned counsel for the State would stress upon the prosecution evidence that from the clothes recovered from the possession of the respondent/accused human blood was also found.
6. We have gone through the entire judgment of conviction and evidence led by the prosecution, we find that the prosecution, in order to proves the guilt of the respondent/accused has come out with the evidence of recovery of blood stained clothes. The deceased died in her own house. There is no evidence of she having been last seen with the respondent/accused. There is no eye-

witness. What was the origin or group of the blood found in the clothes of the respondent/accused is also not proved. Therefore, the view taken by the learned trial Court of giving benefit of doubt to the respondent/accused does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view the 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.

7. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge