

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 911 of 2019

- The State Of Chhattisgarh Through - District Magistrate District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. Rakesh Pandey S/o Jhumuk Lal Pandey Aged About 49 Years R/o P.W.D. Colony, Pandaria, District Kabirdham Chhattisgarh.
2. Ramavatar S/o Dinbandhu Sahu Aged About 54 Years R/o Village Chilfi, Police Station And Tahsil Lormi District Mungeli Chhattisgarh. (As Jhumuk Lal Pandey Died, Therefore, He Has Not Been Impleaded As Party)

---- Respondents

For Petitioner/State : Mr. Anand Verma, Dy. G. A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/06/2019

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. Learned State Counsel would argue that even though the victim Vinita Pandey (PW 6) and Dr. Anil Henry (PW 7) have clearly stated that attempt was made to kill the victim by poisoning, learned trial Court has acquitted respondent-accused ignoring such a clinching evidence.
5. After going through the impugned judgment and evidence on record particularly that of the complainant (PW 6) and doctor (PW 7), we find that no iota of evidence of administration of poison. Therefore, acquittal of respondent by giving benefit of doubt does not suffer from any patent illegality calling for an interference.
6. Therefore, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge