

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 908 of 2019

- The State Of Chhattisgarh Through Police Station Basantpur , District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. Sameer Ali S/o Jamsheer Shah Aged About 27 Years Occupation Driver, R/o Village Solanka, Police Station Morva, District Singrouli Madhya Pradesh
2. Mohd. Masih Aalam S/o Mohd. Sultan Ansari Aged About 28 Years Occupation Mason, R/o Village Ram Nagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh
3. Saddam Ansari S/o Nizamuddin Ansari Aged About 28 Years R/o Village Madhuri, Police Station Nagar Utari, District Gadwa, Jharkhand
4. Khustar Ansari @ Majhila S/o Ahmad Ansari Aged About 28 Years Occupation Kalin Sticking, R/o Village Khala, Police Station Dhurki, District Gadwa, Jharkhand

---- Respondents

For Petitioner : Shri Vikas A. Shrivastava, Panel Lawyer

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/06/2019

Heard on I.A.No.1, application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration of the cause shown, the application for condonation of delay is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned State counsel would argue that even though the prosecution led clinching evidence with regard to identification and recovery of the respondent / accused in the alleged offence of dacoity committed in the night in the house of the victim / witness, the same has been wrongly disbelieved by the learned Trial Court.

We have gone through the impugned judgment and the evidence on record.

We find that none of the accused have been identified by any of the witnesses including the victim. There is neither any incriminating material in the form of any weapon or any other article to connect the accused with the alleged incident of dacoity. On the face of such evidence, learned Trial Court has concluded that the accused are entitled to benefit of doubt. No case is made out for grant of leave to appeal.

The application for grant of leave to appeal is therefore rejected. Present CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge