

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 973 of 2019

- State Of Chhattisgarh Through Police Station - Salhewara, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Rajkumari Dhurve @ Munni Bai, W/o Shri Dashruram Dhurve, Aged About 41 Years, R/o Village Khadi, Police Station Salhewara, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner : Shri Suryakant Mishra, PL

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Smt. Justice Rajani Dubey

19.06.2019

1. Heard on application for grant of leave to appeal filed by the State.
2. Learned counsel for the State submits that in order to prove the allegation that respondent attempted to murder, prosecution led clinching evidence but, the learned trial Court has acquitted her from the charges under Section 307 of the IPC, and convicted her only under Section 323 of the IPC, on the ground that there is no sufficient evidence led by the prosecution so as to connect the respondent/accused with the alleged commission of offence.
3. We have gone through the entire judgment of conviction and the evidence led by the prosecution that the learned trial Court has meticulously and very scrutinized the evidence to arrive at the conclusion, that there is no medical evidence that the complainant/deceased got grievous injuries, acquitted the respondent/accused from charges under Section 294, 506 part – II and 307 of the IPC and convicted her under Section 323 of the IPC.
4. The view which has been taken by the 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 for grant of leave to appeal.
5. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge