

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1026 of 2019

- State Of Chhattisgarh Through - Its Station House Officer, Police Station City Kotwali Rajnandgaon District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. Ravindra Dewangan S/o Krishna Dewangan, Aged About 28 Years R/o Shri Ram Society, Near Sheetala Mandir, Premnagar, Itwari, Police Station Lakkadganj, Nagpur (Maharashtra), District : Nagpur, Maharashtra
2. Ravi Bansod, S/o Dadarao Bansod, Aged About 25 Years R/o Bhandara Road, Nehru Nagar Chowk, Prajapati Nagar, Police Station Nandanvan, Nagpur (Maharashtra), District : Nagpur, Maharashtra
3. Sanam Sunil Dongre, S/o Sunil Dongre, Aged About 22 Years R/o Bhandara Road, Nehru Nagar Chowk, Prajapati Nagar Police Station Nandanvan, Nagpur (Maharashtra), District : Nagpur, Maharashtra
4. Pravin Ghate, S/o Chandrashekhar Ghate, Aged About 28 Years R/o Behind Gopal Krishna Lodge, Basoda, Police Station Nandanvan, Nagpur (Maharashtra) Presently Residing At The House Of Narendra Chhabda, Kabir Nagar, Police Station Kabir Nagar Raipur District Raipur Chhattisgarh

--- Respondents

For Petitioner/State : Mr. Neeraj Mehta, Panel Lawyer.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/06/2019

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. Though, learned State Counsel would argue that the prosecution led clinching evidence to prove involvement of the respondent-accused under Section 394 I.P.C., we are afraid, this petition has no merit because the learned trial Court has acquitted the respondent by giving benefit of doubt as the star witness of the prosecution Sandeep Kumar Patel (PW 1) who alleges that the vehicle was looted from him, has not identified any of the accused. Though prosecution came out with the case of recovery of vehicle on the basis of

memorandum statement of respondent No. 3, the independent witnesses of disclosure have not supported prosecution case. Thus rendering the recovery at the instance of this accused is also doubtful.

5. Taking into consideration the material on record, the learned Court has given benefit of doubt with which we find no exception, given the limited scope of interference.
6. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge