

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1029 of 2019

State Of Chhattisgarh, Through Station House Officer, Police Station Durgukondal,
District- North Bastar, Kanker, Chhattisgarh ---- **Petitioner**

Versus

Chainu Ram Bohelkar S/o Late Jangluram Aged About 55 Years R/o Borkanhar,
Police Station Madanwada, Presently R/o Kosaraopara, Police Station Manpur,
District- Rajnandgaon, Chhattisgarh ---- **Respondent**

For State/Petitioner : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/06/2019

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

Upon due consideration, the delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that even though the sons of the deceased namely: Shriram (PW1) and Devkumar (PW8) have stated that in the market, his father (deceased) was seen along with the respondent accused and there is evidence of earlier existing dispute as stated by the deceased's wife Supaibai (PW3) and independent witness Mangtaram (PW17), coupled with the conduct of the accused that after the incident, he eloped and was arrested after six years, complete the chain of circumstance to point towards the guilt of the respondent-accused, yet he has been acquitted by giving benefit of doubt.

2. We have gone through the impugned judgment and evidence on record. The evidence, as stated by learned counsel for the State, is only with regard to the accused

and deceased seen in the market. There is no evidence that from the market, they went together and the dead body of deceased was found. The evidence with regard to dispute, as stated by Supaibai (PW3) and Mangturam (PW17), according to these witnesses is that it was an old dispute and Mangturam (PW17) has stated that, though, there was a dispute but later on, it was resolved. Except this, there is no other evidence led by the State to bring home the guilt of the accused. Therefore, the view taken by learned trial Court that the prosecution has failed to complete the chain of circumstance and therefore, the accused is entitled to benefit of doubt, does not suffer from any patent illegality. Therefore, we are not inclined to interfere with the impugned judgment of acquittal, keeping in view limited scope of interference against the judgment of acquittal.

3. Therefore, the present CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge