

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1062 of 2013

State Of Chhattisgarh Through SHO, PS Bagicha, Distt. Jashpur C.G.

---- Petitioner

Versus

Arjun Yadav, S/o Kinu Yadav, Aged About 22 Years, R/o Village Samarbhadiya, PS Bagicha, Distt. Jashpur C.G.

---- Respondent

For State/Petitioner : Mr. Subhash Yadav, Dy. Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/04/2019

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

Upon due consideration, 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 there was no direct evidence adduced by the prosecution, the prosecution came out with clinching evidence of extra-judicial confession of commission of offence given by the respondent to independent witness Rajeev Ram (PW4), who has clearly stated that the respondent had confessed before him that he having come to know about the love affair between the deceased and Rajeshwari Bai, had killed the deceased.

2. We have gone through the impugned judgment and the evidence on record, particularly, the evidence of Rajeev Ram (PW4).

3. Learned Trial Court has disbelieved the version of this witness upon meticulous examination, particularly, taking into consideration that even though, this witness claimed

that within 3 days of the incident, accused had confessed before him, he disclosed this fact to the police after 21 days, even though, during this period, the police was continuously interrogating and inquiring into the matter and he had been coming into the contact with the investigation team.

4. The view, which has been taken by learned trial Court, particularly, because of delay of about 21 days, in disclosing the alleged extra-judicial confession, the same appears to be a possible view that may be taken on the set of evidence adduced before the Court. Taking into consideration the limited scope of interference against the judgment of acquittal, we do not find any good ground to grant leave to appeal. Therefore, the present CRMP is dismissed.

5. Records of the Court below be sent back forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge