

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1430 of 2018

- The State of Chhattisgarh, Through- District Magistrate, District- Korea, Chhattisgarh

---- Petitioner

Versus

- Mannu @ Ramanuj, S/o Bhola, Aged About 23 Years, R/o- Kanchanpur, P.S. Baikunthpur, District- Korea, Chhattisgarh

---- Respondent

For Petitioner/State : Shri K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

11.02.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal filed by the State.
5. Learned counsel for the State submits that even though the prosecution case is not supported by the evidence of the victim Jagatpal(PW-1), the evidence is on record to show that the weapon which is used for commission of offence was seized from the possession of the accused which was found with human blood on which no explanation was offered.
6. We find that the main operative reason to grant benefit of doubt to the accused is that, the victim who is assaulted has not supported the case of the prosecution, as he deposes that he was not assaulted by the respondent/accused, therefore, this evidence, along with all other evidence, on record, has been treated as doubtful in nature and the learned trial Court has granted benefit of doubt to the respondent/accused when the evidence itself does not support the case of the prosecution. Therefore, in these circumstances, the judgment of 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 to grant leave to appeal.

7. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge