

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1743 of 2018**

- State Of Chhattisgarh, Through Police- Station /Raghunathnagar, District- Balrampur- Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. Mohd. Masih Aalam, S/o Mohad. Sultan Ansari, Aged About 27 Years, Occupation- Mason, R/o Village Ramnagar, Police Station- Basantpur, District : Balrampur, Chhattisgarh
2. Saddam Ansari @ Saddam, S/o Nizamuddin Ansari, Aged About 28 Years, Occupation- Carpenter Work, R/o Village-Madhuri, Police Station- Nagar Atari, District- Gadhwa, Jharkhand.
3. Khustar Ansari @ Majhila, S/o Ahmed Ansari, Aged About 25 Years, Occupation- Labour, R/o Village Khala, Police Station- Ghurki, District- Gadhwa, Jharkhand

---- Respondents

For Petitioner/State : Shri Subhash Yadav, Dy. 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 the learned trial Court has committed gross perversity and illegality in acquitting respondents even though the prosecution has proved identification during identification parade and recovery of cash and one mobile.
6. We have gone through the impugned judgment and the records of the case. The persons/victims who was subject to loot have been examined by the trial Court but they have not identified the respondents/accused. The mobile, alleged to have been seized from the possession of the respondents, could not be

proved to be that of any looted victims. The learned trial Court having considered these aspects particularly that none of the accused could be identified, granted them benefit of doubt and acquitted in the absence of there being any clinching evidence of recovery of looted articles and identification by the victims. There is seizure of small cash amount. Learned trial Court granting the respondents/accused benefit of doubt has acquitted them.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge