

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1811 of 2018

State Of Chhattisgarh Through Police Station Pendari, District - Raipur
Chhattisgarh ., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Gopal Tandi S/o Lalman Tandi Aged About 20 Years R/o Village - Bargarh, Near Bus Stand Orissa. Presently Resident At Near Chowky , Kalinager Tajnagar , Raipur District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Pavan Baghel S/o Raju Baghel Aged About 19 Years R/o Village - Dumer Para Katabhaji, Police Station Katabhaji Orissa Presently Residing At Near Dheeraj Kirana Shop , Jagannath Nager Dhespara, Raipur, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Dimpy @ Sneha Singh W/o Ashwiin Pal Aged About 33 Years R/o Village Near Shiv Mandir , Kanpa Naharpara, Police Station- Pendari , District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Laxman Deep@ Babu S/o Prakesh Deep Aged About 21 Years R/o Village- Kusdupara , Police Station Kesinga, District- Titalagarh , Orissa. Presently Residing At Near Police Help Centre Kalinagar , Tajnager , Raipur , Police Station- Civil Lines, Raipur, District- Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Appellant/State : Shri Subhash Yadav, Dy. Govt. Advocate

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

10/01/2019

1. Heard on IA No.1, application for condonation of delay in filing the appeal.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.

4. Learned State counsel would submit that even though there is no direct evidence to connect the respondents- accused in the alleged commission of offence, evidence has come during trial that the deceased and the appellant had inimical relation.
5. We have heard learned counsel for the State- appellant and gone through the evidence on record. We find that there is no evidence connecting the respondents-accused. Acquittal of the respondents-accused by the learned trial Court, therefore, does not call for any interference because except evidence of inimical relationship, which too is doubtful, there is nothing to connect the respondents with the alleged commission of offence.
6. Therefore, no case for grant of leave to appeal is made out. The Petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge