

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1866 of 2018

State Of Chhattisgarh Through Police Station Ghumka District Rajnandgaon
Chhattisgarh

---- **Appellant**

Versus

1. Shiv Gopal Pawar S/o Shri Dhurau@ Dhurwa Pawar R/o Village Khurshidih Police Station Pulgaon District Durg Chhattisgarh
2. Anil Pardhi S/o Shri Rajkumar Pardhi R/o Village Khurshidih Police Station Pulgaon District Durg Chhattisgarh

---- **Respondents**

For Appellant/State : Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/02/2019

Heard on application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Heard on application for grant of leave to appeal.

1. Learned counsel for the appellant submits that as far as acquittal of two accused Shiv Gopal and Anil Pardhi is concerned, Ghanshyam Sahu (PW7) has stated in his examination after having been declared hostile that Shiv Gopal was involved in the alleged commission of offence because his presence stated at the time when Chhannulal (PW5) came at the spot and started raising objection.
2. We have perused the statement of Ghanshyam Sahu (PW7). At the outset, as has been stated in the examination, he did not identify Shiv Gopal and Anil Pardhi and has only identified Ajay @ Rajesh Pawar. All other witnesses and the prosecution have refused to identify Shiv Gopal and Anil Pardhi and in these circumstances, learned Trial Court has granted them benefit of doubt. We do not find any patent illegality or perversity in the order of learned trial Court warranting interference against acquittal of Shiv Gopal and Anil Pardhi. Therefore, no case is made out for grant of leave to appeal.
3. The present CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge