

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2203 of 2018**

- State Of Chhattisgarh Through The Station House Office Police Station Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Appellant**Versus**

1. Manisha @ Janni Kowasi D/o Gaahle Ram Aged About 29 Years R/o Village Maad Pakhanjur , Police Station Bande District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
2. Mangloo Sori S/o Idma Sori Aged About 22 Years R/o Village Potem , Police Station Jangla District Bijapur Chhattisgarh., District : Bijapur, Chhattisgarh

---- Respondent

PRESENT:-

Shri S.K. Mishra, Panel Lawyer for Appellant/State.

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order on Board**Per Manindra Mohan Shrivastava, J.****08/02/2019**

1. Heard on application (IA No.1/2018) for condonation of delay in filling the instant appeal.
2. Upon due consideration, the application is allowed and the delay in filling the instant appeal is condoned.
3. Also heard on prayer for grant of leave to appeal.
4. Learned counsel for the appellant submits that despite specific evidence given by the victim Rakesh Lakda-PW7 that the accused with an intention to kill, attempted to assault with the help of knife, the Learned Trial Court has disbelieved the same and acquitted.

5. Among various findings recorded by the learned Trial Court, we find that in the present case, the victim police officer himself became the Investigating Officer of the case and the entire investigation was conducted by him. This is one of the main reason as to why the learned Trial Court has recorded a finding that case of the prosecution become doubtful.

6. Indeed, the entire investigation was vitiated because the victim himself could not be Investigating Officer of the case. That reason by itself is sufficient for us to reject the prayer for grant of leave to appeal.

7. Accordingly, the petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Rajani Dubey)
Judge