

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2304 of 2018**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Gaindatola, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Sunher Yadav S/o Late Firturam Yadav Aged About 58 Years R/o- Village Gaindatola, P.S. Gaindatola, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner / State : Smt. Fouzia Mirza, Additional Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****04/01/2019**

Heard on I.A.No.1, application for condonation of delay in filing this petition.

Upon due consideration of the grounds urged in the application, the application is allowed.

Also heard on prayer for grant of leave to appeal.

Learned State counsel argued that if that case is based on circumstantial evidence, clinching evidence of recovery on the memorandum given by the accused was sufficient to bring home the guilt but the learned Trial Court has granted the accused benefit of doubt.

We have gone through the impugned judgment and found that the entire case of the prosecution is based on certain memorandum of the accused and nothing more. Except this, no other evidence has been brought forward to prove the case and bring home the guilt .

We do not think that the learned Trial Court has committed any patent illegality or perversity so as to warrant interference against the judgment of acquittal. The application for grant of leave to appeal is rejected. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge