

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2532 of 2018

- The State Of Chhattisgarh Through Police Station Khagdaon, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- Dhanay @ Anila Markam S/o Mahar Singh Aged About 26 Years R/o Khursekala , Police Station Manpur, District Rajnandgaon Chhattisgarh

--- Respondent

For Petitioner/State : Mr. Subhash Yadav, Dy. G. A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/06/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Though, learned State Counsel would submit that the prosecution came out with the case of respondent being member of a naxalite movement came along with absconding accused, in the house of Sujaan Singh and thereafter he was taken out and murdered, we find that the prosecution case has failed to travel beyond the realm of allegation. None of the prosecution witnesses have supported the case of the prosecution. Respondent has neither been identified nor any other incriminating evidence has been proved much less recovery of any firearm or weapon allegedly used in commission of offence. In the absence of any evidence, the learned trial Court was left with no other option but to acquit the respondent giving the benefit of doubt. Given the limited scope of interference against judgment of acquittal, we do not consider present to be a fit case of granting leave to appeal against the judgment of acquittal.
5. The application for grant of leave to appeal is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge