

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2549 of 2018

State Of Chhattisgarh Through Station House Officer ,police Station Pasaan
District Korba Chhattisgarh

---- Appellant

Versus

1. Bechan Singh S/o Babulal Aged About 37 Years R/o Village Piparkunda Pali ,police Outpost Korbi ,police Station Pasaan District Korba Chhattisgarh.,
District : Korba, Chhattisgarh
2. Phool Singh S/o Beer Singh Gond Aged About 35 Years R/o Village
Piparkunda Pali ,police Outpost Korbi ,police Station Pasaan District Korba
Chhattisgarh., District : Korba, Chhattisgarh
3. Suresh Singh S/o Shivpal Singh Aged About 35 Years R/o Village Piparkunda
Pali ,police Outpost Korbi ,police Station Pasaan District Korba Chhattisgarh.,
District : Korba, Chhattisgarh

--- Respondents

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

07/02/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that even though there is no direct evidence, the prosecution led reliable evidence of recovery of stone used for commission of offence on the memorandum of the respondents/accused which directly connects him with the commission of offence.

2. We have gone through the impugned judgment and the evidence. The only evidence which was led by the prosecution to prove involvement of the respondents accused was a stone recovered from an open place which is also not found to have contained any bloodstain and the group and origin of that of the deceased. In the

absence of any other clinching and reliable evidence, learned trial Court granted the accused benefit of doubt. In our opinion, the impugned judgment of the learned trial Court does not suffer from any perversity or patent illegality warranting interference by the Court. Therefore, no case is made out for grant of leave to appeal and the same is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Rekha