

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 39 of 2019

State Of Chhattisgarh Through The Police Station Pandatarai, District
Kabirdham Chhattisgarh ---- **Petitioner**

Versus

1. Ramesh S/o Sukhnandan Sahu, Aged About 20 Years, R/o Village Putkikala, Police Station Pandatarai, District Kabirdham Chhattisgarh
2. Jeetram @ Jeetu Sahu S/o Navgendra Sahu Aged About 21 Years R/o Village Putkikala, Police Station Pandatarai, District Kabirdham Chhattisgarh

--- Respondents

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

06/02/2019

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 the evidence of extra-judicial confession elicited from the statement of Sukhnandan (PW6) has been wrongly disbelieved by learned Trial Court, though, the said witness has clearly stated that extra-judicial confession was given before him by the respondent accused Ramesh and Jeetu. Learned State counsel would also argue that minor contradiction and omission have been given undue weight by learned Trial Court to disbelieve the testimony of extra-judicial confession.

2. We have carefully gone through the statement of Sukhnandan (PW6). Sukhnandan (PW6) has not stated anything against the respondents-accused in his examination-in-chief. Therefore, he has declared hostile though he had given a statement before the Magistrate, in which, he declared regarding extra-judicial

confession given before him but when he put to cross examination, he again takes a turn and then says that he was not informed regarding the incident meaning thereby that he again denied extra-judicial confession made by the accused before him. On the face of such contradictory statement given by this witness, learned Trial Court has disbelieved. Except this, there was no other incriminating circumstantial evidence led by the prosecution to prove involvement of the respondents in the alleged offence. Therefore, on such a weak and contradictory statement of extra-judicial confession, learned trial Court did not commit any illegality to give the accused benefit of doubt. 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