

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 69 of 2019

- State Of Chhattisgarh, Through The District Magistrate, District : Gariyabandh, Chhattisgarh

---- Petitioner

Versus

- Rohit Kumar Nag, S/o Budharam Nag, Aged About 37 Years, R/o Village Thenhi (Gaurav Chowk), Police Station Mechka, District : Dhamtari, Chhattisgarh

---- Respondent

For Petitioner/State : Shri K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

15.02.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Learned counsel for the State submits that the prosecution, in order to prove that the respondent was an associate and actively engaged in various terrorists activities with banned organization of Naxalite produced the list of the Commander and also a diary which contains the name of the respondent, that he was given old notes of Rs.5,50,000/- for conversion. Even than, the respondent has been acquitted by giving benefit of doubt.
6. We have carefully gone through the entire judgment of acquittal. Entire case of the prosecution rests on the allegation that the respondent was providing support to Naxalite activities, however, the learned trial Court has found that the list of commanders does not contain the name of respondent and in case diary, the name "Rohit Bhaiya" is written without further detail with regard to the father's name or place of residence and only on the basis of these materials, the prosecution sought to establish this case.
7. Learned trial Court has found that the allegations could not be translated into

any proof by a convincing evidence and has acquitted the respondent. The kind of evidence which has come could not be proved against respondent/accused beyond reasonable doubt, and the acquittal has taken place by giving him benefit of doubt, which could not be said to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view the limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.

8. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge