

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 53 of 2019

- State Of Chhattisgarh Through Police Station Darima, District : Surguja , Chhattisgarh

---- Petitioner

Versus

1. Vinod Singh, S/o Sukhdev Singh Kanwar, Aged About 33 Years, R/o Bhalu Kachhar Police Station Darima, District : Surguja, Chhattisgarh
2. Ramchand Singh, S/o Lojram Singh Kanwar, Aged About 32 Years, R/o Bhalu Kachhar Police Station Darima, District : Surguja, Chhattisgarh

---- Respondent

For Petitioner/State	:	Shri Suryakant Mishra, PL
For Respondent	:	None

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

19.02.2019

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 filed by the State.
5. Learned counsel for the State submits that evidence of prosecution proved that the deceased was last seen with the accused/respondent and his dead body, was later on found and the postmortem report proves that it was a case of murder by strangulation.
6. We have gone through the impugned judgment of acquittal and the evidence on record. The learned trial Court has closely scrutinized the evidence on record and recorded that the last seen evidence is liable to be disbelieved. It has also been recorded that the prosecution has failed to bring out any motive. Except last seen there is no other evidence led by the prosecution.
7. Even accepting that the prosecution has led last seen evidence, only on that basis, the conviction could not be sustained, without there being any other clinching evidence of circumstantial nature. The finding of the learned trial court

does not suffer 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