

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 52 of 2019**

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhuriya District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- Jeevan Lal Lohar S/o Kejuram Lohar Aged About 50 Years R/o Village Jhithratola Police Station Chhuriya, District Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner : Shri Anand Verma, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****14/02/2019**

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.

Also heard on prayer for grant of leave to appeal.

Learned counsel for the State would argue that the Trial Court has acquitted the respondent/accused by granting benefit of doubt whereas, number of prosecution witnesses, who are eyewitnesses, have stated regarding respondent's act of giving stab injury to the victim.

We have gone through the impugned judgment and the evidence on record.

Learned Trial Court, in view of the evidence of the victim himself, who has turned hostile and not supported the prosecution case and further that evidence of other witnesses is not reliable because in the cross-examination, they have not

remained firm as eyewitnesses, has granted the respondent / accused benefit of doubt.

The view taken by learned Trial Court appears to be plausible, particularly, because the victim himself has not involved the respondent accused. The application for grant of leave to appeal is accordingly rejected. The present CrMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge