

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 134 of 2019

- State of Chhattisgarh, Through Police Station- Kharsiya, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Umesh, S/o Prem Singh Gond, Aged About 35 Years, R/o Village- Khadgaon, Police Station- Kharsiya, District : Raigarh, Chhattisgarh
2. Sushilya, W/o Umesh Gond, Aged About 22 Years, R/o Village- Khadgaon, Police Station- Kharsiya, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Shri Santosh Bharat, PL

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

06.02.2019

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 on the serious allegation on the respondents/accused that they had set their own father on fire by pouring kerosene on him in a place away from their house, learned trial Court has acquitted them on the ground that no circumstantial evidence has been proved so as to connect the accused/respondents with the alleged commission of offence, whereas the prosecution led circumstantial evidence of recovery of wooden plank, jerry cane and burnt particles.
6. The entire case of the prosecution rests on circumstantial evidence of recovery of the dead body and certain articles from an open place.
7. Learned trial Court has taken into consideration the fact that witnesses of the memorandum have not remained firm, and because of inherent omissions and contradictions, the memorandum and seizure are completely vitiated. Except

this there was no other material evidence even produced by the prosecution. Therefore, in these circumstances, the judgment of learned trial Court does not suffer from any patent illegality, perversity so as to warrant interference by this Court, keeping in view 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