

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 149 of 2019

State Of Chhattisgarh Through The Station House Officer, Police Station Jashpur,
District - Jashpur Chhattisgarh **---- Petitioner**

Versus

Firdos Khan, S/o Nijamuddin Khan, Aged About 24 Years, R/o Village Basta
(Bramhanpura), Police Outpost Lodam, Police Station Jashpur, District - Jashpur
Chhattisgarh **---- Respondent**

For State/Petitioner : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

02/04/2019

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 learned Trial Court committed illegality in holding that the identification of the accused is not reliable, merely because the witness who identified earlier, seen in the Police Station. According to him, the victim identified the accused on dock. Next submission is that even though looted articles have not been recovered from the possession of the accused, an axe which was said to be kept at the time of committing dacoity, has been recovered from the respondent accused.
2. We have gone through the impugned judgment and the evidence on record.
3. On both the counts of identification and recovery, learned Trial Court has found that the identification proceedings are tainted because the witness was already shown the accused in the police station. No looted article is said to be recovered from the possession of the respondent accused. In this backdrop, learned Trial Court has acquitted giving him

benefit of doubt. Therefore, we are not inclined to interfere with the impugned judgment of acquittal keeping in view the limited scope of interference against the impugned judgment of acquittal.

4. Therefore, the present CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Rekha