

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 209 of 2019

State Of Chhattisgarh, Through Station House Officer, Bango, District- Korba,
Chhattisgarh ----- **Petitioner**

Versus

1. Guddu @ Lakshya Jaiswal S/o Banaru @ Panaru Aged About 47 Years R/o Gadaghat, Machadoli, Police Station- Bango, District- Korba, Chhattisgarh
2. Deepak Kumar Dhanuhar S/o Sukh Singh Aged About 22 Years R/o Gadaghat, Machadoli, Police Station- Bango, District- Korba, Chhattisgarh
3. Milan Bai @ Gopal Dhanuhar W/o Sukh Singh Aged About 48 Years R/o Gadaghat, Machadoli, Police Station- Bango, District- Korba, Chhattisgarh
4. Saraswati W/o Guddu @ Lakshya Jaiswal Aged About 28 Years R/o Gadaghat, Machadoli, Police Station- Bango, District- Korba, Chhattisgarh ----- **Respondents**

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 submits that even though the prosecution came out with the clinching evidence of last seen and strong motive on behalf of the respondents accused to kill the deceased, learned trial Court acquitted the accused ignoring material evidence.

2. We have gone through the impugned judgment and also the evidence, particularly, the evidence of so called last seen, Kiran Raj (PW3) has clearly stated that while she had taken lift in the vehicle of accused Guddu, on way, the deceased deboarded the vehicle and thereafter, this witness went ahead along with the accused. This cannot be treated as

last seen evidence. Except this, no other witness has stated regarding deceased seen in the company of any of the respondents individually or collectively soon before recovery of her dead body.

3. The argument that there was a motive for the respondents to kill Lata, by itself, without any other clinching evidence or circumstantial evidence could not be made a basis to convict the respondents. In our opinion, learned Trial Court has not committed any patent illegality or perversity in ordering the acquittal of respondents on the face of the evidence brought before the Court by the prosecution. Therefore, no case is made out for grant of leave to appeal.

4. Accordingly, the present CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Rekha