

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1056 of 2020**

State of Chhattisgarh Through Police Station Chilhati, District  
Rajnandgaon Chhattisgarh

**---- Appellant**

**Versus**

1. Parmanand Sewta S/o Sonsai Sewta Aged About 25  
Years R/o Village Matekheda, Police Station Gendatola,  
District Rajnandgaon Chhattisgarh
2. Tejeshwar Yadav S/o Kamlesh Yadav Aged About 21  
Years R/o Village Matekheda, Police Station Gendatola,  
District Rajnandgaon Chhattisgarh
3. Smt. Sindhu Ambade W/o Late Arjun Aged About 23  
Years R/o Village Duwalgundara, Police Station  
Chilhati, District Rajnandgaon Chhattisgarh.

**---- Respondents**

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For the Appellant :- Ms. Hamida Siddique, Dy. AG  
For the respondents :- None  
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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Hon'ble Smt. Justice Vimla Singh Kapoor,**

**Judgement on Board By**  
**Manindra Mohan Shrivastava, J.**

**07.12.2020**

Heard on the application for grant of leave to appeal.

2. Learned State counsel submits that the trial Court has acquitted  
the respondents even though the prosecution led reliable

evidence of motive, recovery of weapon on the discloser statement of the accused.

3. The prosecution case is based on only on the circumstantial evidence. In order to prove motive, the prosecution led the evidence of call details of the wife of the deceased and the respondents.

An iron pipe is alleged to have been seized from the open place in the bushes on the alleged memorandum/disclosure statement of the respondents/accused. However, this particular weapon is not found stained with human blood as per the report of FSL.

4. Only on the basis of the aforesaid evidence, learned trial Court did not consider present to be a fit case to draw an inference applying the golden principles with regard to proof of guilt based on circumstantial evidence.
5. In our considered opinion, the view taken by the learned trial Court is of plausible and possible view on the face of the evidence and its evidentiary value. No case is made out for leave to appeal, therefore, CrMP is rejected.

Sd/-

**Manindra Mohan Shrivastava**  
**Judge**

Sd/-

**Vimla Singh Kapoor**  
**Judge**