

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1320 of 2020

State Of Chhattisgarh Through Its Station House Officer, Police Station City Kotwali, Korba, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

----Applicant

Versus

1. Vijay Sarthi S/o Kriparam Sarthi Aged About 23 Years R/o Motisagar Para, Korba, Police Station City Kotwali, Korba, District Korba, Chhattisgarh, District : Korba, Chhattisgarh
2. Tara Bai W/o Kripa Ram Sarthi Aged About 50 Years R/o Motisagar Para, Korba, Police Station City Kotwali, Korba, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Respondents

For Applicant : Shri K.K. Singh, Govt. Advocate

D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

05/11/2020

Heard.

1. There is an application for grant of leave to appeal (CRMP) along with application for condonation of delay.
2. Even if delay is condoned, we find that there is no merit in the application and present is not a fit case for grant of leave to appeal for obvious reason that acquittal of the accused is based on consideration that the victim Soni Sharma (PW3) has not supported the case of the prosecution and has stated that the injury was sustained by her on account of fall from the auto-rickshaw.
3. Though learned counsel for the State vociferously argued that there are

many other eyewitnesses who have fully supported the case of the prosecution, when the victim herself is not supporting the prosecution case and giving an entirely different story in her evidence, what has been urged by learned State counsel could only be another possible view. The scope of interference against judgment of acquittal, as limited by plethora of decisions of Supreme Court and this Court, does not permit us to grant leave in this case.

4. In the result, all the applications are rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge