

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1394 of 2020

- The State Of Chhattisgarh Through- District Magistrate Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. Rakhan Ram S/o.- Budhram Aged About 24 Years By Caste- Routiya, R/o.- Sukra, Police Station- Sanna, District- Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh
2. Mohan Ram S/o.- Nirupital Ram, Aged About 35 Years By Caste- Rajwar, R/o.- Sukra, Police Station- Sanna, District- Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Respondent

For the Petitioner/State :- Mr. K.K. Singh, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.

07.12.2020

Heard on IA No.1 for condonation of delay in filing of the appeal.

2. Taking into consideration the delay of about 241 days and the cause shown in the application, it is allowed. Delay condoned.

3. Heard on prayer for grant of leave to appeal.

4. Learned State counsel would argue that though there is no eye witness, the prosecution led circumstantial evidence regarding the seizure of a wooden club and the torch from the possession of the respondents/accused which is said to be used in commission of offence. He would submit that the club was sent for query and it was opined by the doctor that the injury found

on the body of the deceased Ludu Ram and Sanjho Bai could be caused by the wooden plank.

5. We find that the learned trial Court has acquitted the respondents/accused by giving a benefit of doubt as the prosecution failed to prove any circumstantial evidence of a clinching nature to draw an inference that in all probability the respondents/accused alone must have committed the murder of Ludu Ram and his wife Sanjho Bai.

6. Neither the clothes of the accused nor the club which is allegedly seized on the memorandum of one of the accused has been found stained with blood much less that of the group and origin of the deceased. There is no evidence of extra-judicial confession or last seen nor any of the belongings of the deceased have been found in possession of the respondents/accused. In this background, the learned trial Court has granted benefit of doubt and acquitted the accused in which we find no ground to interfere by grant of leave to appeal.

7. In view of the above, we do not consider the present to be a fit case for grant of leave to appeal. Accordingly, the application for grant of leave to appeal is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge