

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1439 of 2020

- State Of Chhattisgarh, Through - Police Station Darri, District Korba Chhattisgarh. **---- Petitioner**

Versus

- Prem Sai Prajapati, S/o Dularsai Prajapati, Aged About 44 Years R/o Gopalpur, Police Station Darri, District Korba Chhattisgarh.
- Bhushanlal Digsena, S/o Sanman Lal Digsena, Aged About 47 Years R/o New Bus Stand, Behind Murli Hotel, Police Station Katghora, District Korba Chhattisgarh.
- Balraj Singh, S/o Amrur Singh, Aged About 64 Years R/o Hemunagar, Police Station Torwa, District Bilaspur Chhattisgarh.

---- Respondents

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.

14.12.2020

Heard on prayer for grant of leave to appeal.

2. Learned State counsel would argue that even though the prosecution led reliable evidence that the land in dispute were already acquired in the year 1984 by the NTPC and yet the accused again sold it to the complainant Chetan Sahu by forging revenue document showing that the land continued to be in their title and possession, acquittal has been granted.
3. Even if we are to condone the delay, in view of our consideration there is no merit in this case.

4. After going through the impugned judgment of acquittal and oral and documentary evidence led by the prosecution we find that though the prosecution succeeded in proving that the land in dispute was earlier acquired in the year 1984 by the NTPC, the prosecution failed to prove that the lands were actually sold by the accused to complainant Chetan Sahu. Chetan Sahu could not be examined as he died during the pendency of trial. The sale deed, Rin Pustika even Khasra Panchshala of the concerned year also could not be proved as no original document or the original record were produced before the Court. The documents alleged to be forged were not even proved by first leading any evidence that it was forged by the accused and secondly that it was contrary to the entries made in the record. Even execution of sale deed could not be proved. Therefore, in these circumstances learned trial Court was left with no option but to acquit the accused by giving benefit of doubt. In our opinion, the view taken by the trial Court is quite possible and plausible. Given the limited scope of interference against judgment of acquittal, we do not consider present to be a fit case for grant of leave to appeal.

5. Accordingly, the application for grant of leave to appeal is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge