

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2113 of 2018**

- State Of Chhattisgarh Through Police Station Baikunthpur District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Appellant**Versus**

- Tikeshwar Yadav @ Radhelal Yadav S/o Shri Kunjbihari Yadav Aged About 41 Years Occupation Nagar Sainik R/o Village Sara, Police Station Baikunthpur District Korea Chhattisgarh, Revenue District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent-Accused

For Appellant : Shri K. K. Singh, Government Advocate

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

Order on Board**Per Manindra Mohan Shrivastava, J.****20/01/2020**

1. Heard on application for grant of leave to appeal.
2. Learned State counsel would argue that though, the prosecution proved the chain of circumstances pointing towards the guilt of the respondent-accused from established circumstantial evidence that in all probabilities, the respondent and respondent alone, who must have killed the deceased, the learned trial Court has granted benefit of doubt.
3. We find that the learned trial Court has found the case of the prosecution doubtful and accused has been acquitted by giving him benefit of doubt, because the witness of recovery of weapon and the clothes have not supported the case of the prosecution and turned hostile. Recovery of an axe is said to have been made made from an open place. As far as motive is concerned, the

evidence of the witness does not prove that there was hardly any motive for the respondent to kill the deceased. The evidence of last seen as deposed by Shyam Bai, PW-1 does not involve the respondent-accused in the commission of offence. Shyam Bai, PW-1 herself has stated that the respondent-accused went towards her house and except that, there was nothing in her evidence to involve the respondent-accused in the alleged offence.

4. Taking into consideration the submission of learned counsel for the State and the material available on record, particularly taking into consideration that there is a limited scope of interference by this Court in the impugned judgment of acquittal, we are of the view that there is no illegality and perversity in the impugned judgment of acquittal passed by the learned trial Court.

5. In the result, no case for grant of leave to appeal is made out. Accordingly, the petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor_)
Judge