

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 357 of 2019

- State Of Chhattisgarh Through Station House Officer, City Kotwali Dhamtari District Dhamtari, CG. **---- Petitioner**

Versus

- Smt. Neetu Solanke W/o Late Santosh Solanke, aged about 32 Years R/o Banshpara, Aamatalab Road, Dhamtari , Police Station City Kotwali, Dhamtari, District Dhamtari, CG. **---- Respondent**

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- Mr. Amit Verma, PL for the State.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

08.02.2021

Heard on prayer for grant of leave to appeal

2. There is application for condonation of delay in this appeal.
3. Even if we condone the delay, we do not find any merit in the prayer for grant of leave to appeal because the prosecution case which is primarily based only on circumstantial evidence has been found to be doubtful by the learned trial Court. Though initially the case of the prosecution was based on eye witness, they have turned hostile and not supported the case of the prosecution. No other clinching circumstantial evidence forming complete chain to infer that in all probability the appellant and the appellant alone must have committed the offence has been led. Due to this lack of evidence in the prosecution case, the learned trial Court has granted benefit of doubt and acquitted the accused, which is plausible and possible view and cannot be said to be suffering from patent illegality or

perversity so as to warrant any interference, given the limited scope of interference against the judgment of acquittal.

4. Accordingly, application is **rejected**.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge