

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 174 of 2021

- State Of Chhattisgarh Through Police Station Charama, District- North Bastar, Kanker, Chhattisgarh., District : Kanker, Chhattisgarh. ----- **Petitioner**

Versus

1. Shailendra Pratap Singh S/o Santosh Singh Aged About 28 Years R/o Village/post- Amarpur, P.S. Indwar, District- Umariya, Madhya Pradesh., District : Umariya, Madhya Pradesh
2. Ajit Singh S/o Indrapal Singh Aged About 27 Years R/o Village- Kotri, P.S.- Indwar, District- Umariya, Madhya Pradesh., District : Umariya, Madhya Pradesh

----- **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.
22.02.2021

Heard on prayer for condonation of delay as well as grant of leave to appeal.

2. Even if we are inclined to condone the delay the finding recorded by the learned trial Court do not warrant any interference because the learned trial has taken into consideration that the independent prosecution witnesses of seizure have not supported the case of the prosecution. Not only that, the witness of weighment has also not supported the prosecution case. The learned trial Court in a detailed scrutiny of the evidence on record has also found that the prosecution evidence lacks confidence and credibility in so far as weighment, drawal of sample, safe keeping in Malkhana, removal of the same from Malkhana and

there existing serious discrepancies with regard to the sample sent to the FSL and other irregularities. Taken together, in the backdrop of independent witnesses not supporting the case of the prosecution, the view taken by the learned trial Court does not suffers from any patent illegality or perversity so as to call for interference by this Court, given limited scope of interference against the judgment of acquittal. Therefore, there is no merit in this case.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay