

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 246 of 2021

- State Of Chhattisgarh Through The Police Station Ramchandrapur, District Balrampur Ramanujanj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. Jai Kumar Singh S/o Ramprasad Singh, Aged About 27 Years,
2. Devnarayan Singh S/o Vishwanath Singh, Aged About 38 Years,
3. Sarvari Bano D/o Vakil Ahmad, Aged About 24 Years,

All R/o Village Anirudhpur (Daskinpara) P.S. Ramchandrapur, District Balrampur Ramanujanj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Respondents.

For the State :- Mr. Lalit Jangde, Dy. GA.

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

Order on Board by Justice Manindra Mohan Shrivastava, J.
09.03.2021

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

Even though we are inclined to condone the inordinate delay of 268 days, we do not find any merit in the case because the acquittal has been granted on the consideration that the prosecution has failed to prove any single circumstantial evidence. We have also gone through the impugned judgment and the material evidence led by the prosecution and we could not lay hands upon any evidence of strong motive much less any other circumstantial evidence to connect the accused. Though learned counsel for the State would submit that in the memorandum of Sarwari Bano, it has stated that since the

accused was harassing and teasing her, a conspiracy was hatched by her which other co-accused to kill the deceased, the so called story in the memorandum has not been able to travel beyond that and no evidence could be led by the prosecution to prove any of the incriminating circumstances. On the face of it, the learned trial Court judgment cannot be faulted much less suffering from any patent illegality or perversity warranting any interference by this Court.

Accordingly, CRMP is **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay