

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.879 of 2019

State Of Chhattisgarh Through The Incharge Police Station- Aamabeda, District-
Kanker, Chhattisgarh

---- **Petitioner**

Versus

Vinod Kawde S/o Late Ankari Kawde Aged About 24 Years Occupation- Agriculture,
R/o Village- Devgaon, Police Station- Aamabeda, District- Kanker, Chhattisgarh.,

---- **Respondent**

For State/Petitioner : Mr. Lalit Jangde, Dy. Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

03/03/2021

Heard on application for grant of leave to appeal.

1. Learned State counsel would argue that even though the learned Trial Court found evidence of extra-judicial confession proved, acquittal has been ordered on the ground that it is not being corroborated. He would submit that as far as recovery of bloodstained shovel is concerned, the recovery on the memorandum of the accused have been proved from the evidence of independent witness Jairam Kawde (PW5) and the Investigating Officer as stated regarding recovery. The shovel was found to be stained with human blood.
2. Even if we accept the argument of learned State counsel, it is only another view which is possible. However, the view which has been taken by learned trial Court particularly when recovery becomes doubtful because of what has been stated by the independent witness of memorandum and seizure, Jairam Kawde (PW5) in his cross-examination, there is no other evidence left except extra-judicial confession. The view taken by learned trial Court that only on the basis of extra-judicial confession, conviction cannot be sustained and it cannot be said to be illegal, in the circumstances, grant of benefit of doubt to the accused, does not warrant any interference.
3. Therefore, the CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge