

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 830 of 2020**

State of Chhattisgarh Through Police Station Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- **Petitioner****Versus**

Brijesh @ Mele Paikra S/o Nawasay Paikra Aged About 23 Years R/o Village Manoharpur, Baheerikona, Police Station Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- **Respondent**

For Petitioner/State : Shri Mateen Siddiqui, Deputy Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

Per Manindra Mohan Shrivastava, Judge

31.03.2021

Heard on application for condonation of delay in filing of the appeal as also application for grant of leave to appeal.

Even if we are inclined to condone the delay in filing application for grant of leave to appeal, we do not find that there is any merit in this application.

Though learned State counsel submits that there is witness to the incident, but she has not proved the case of the prosecution beyond reasonable doubt. Wife of the deceased herself claimed to be an eyewitness, but in the cross-examination, she has stated that she was not present at the place of incident. In such a situation, in absence of any other corroborative evidence, the Trial Court has rightly acquitted the Respondent. Therefore, no case of grant of leave to appeal is made out. The CrMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Narendra Kumar Vyas)
Judge