

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 738 of 2018

- State Of Chhattisgarh Through- Police Station Janjgir, District- Janjgir-Champa, CG. **---- Petitioner**

Versus

1. Kantilal Kenwat S/o Shri Late Bhauram Kenwat Aged About 38 Years R/o- Village- Pisoud, P.S. Janjgir, District- Janjgir-Champa, Chhattisgarh.
2. Shantilal Kenwat S/o Shri Late Bhauram Kenwat Aged About 47 Years R/o- Village- Pisoud, P.S. Janjgir, District- Janjgir-Champa, Chhattisgarh. **---- Respondent**

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- Ms. Hamida Siddiqui, Dy. AG 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.

06.01.2021

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay in this appeal.
3. Even if we were inclined to condone the delay, in our considered opinion there is no merit in the application.
4. The acquittal of respondents/accused is result of the main injured witness not supporting the prosecution case and stating that due to scuffle out of the dispute he fell down due to which he sustained injury in his head and started bleeding. After having been declared hostile he has denied suggestion given by the prosecution that he was assaulted by accused with the help of axe by hands and fists. On the face of that evidence the learned trial Court has taken in view granting benefit of doubt and acquitting the accused, which is plausible and possible view. Given the limited scope of interference against the judgment of acquittal, we do consider present to be a fit case for grant of leave to appeal.

5. Accordingly, application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Pawan