

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.733 of 2021**

- State Of Chhattisgarh Through Station House Officer, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

- Ishwar Prasad Dhuri S/o Chamaru Dhuri Aged About 42 Years Resident Of Village Kotami Sonar, Chhote Ameri, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

Shri Jitendra Shukla, Panel Lawyer for appellant/State.

**Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board**

05/08/2021

1. Heard on prayer for condonation of delay occurred in filing the instant appeal as also prayer for grant of leave to appeal.
2. Even if, we were inclined to condone the delay in filing the instant application, we find that the acquittal of the accused is based on a detailed finding, upon minute scrutiny of the circumstantial evidence led by the learned trial Court, that the prosecution has failed to prove beyond reasonable doubt recovery of poisonous substance from the possession of the accused and there is no direct evidence on record to prove that the liquor mixed with poisonous substance was kept in front of the house of Tikaram Sahu by the accused.
3. In view of above, no case for grant of leave to appeal is made out.
4. Accordingly, the petition is dismissed.

**SD/-
(Manindra Mohan Shrivastava)
Judge**

**SD/-
(Vimla Singh Kapoor)
Judge**