

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1014 of 2020**

- State Of Chhattisgarh Through Police Station- Lalbag, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Ravishankar Sahu S/o Rupendra Sahu Aged About 23 Years R/o Village- Mandhak Chowk Parikala, Police Station- Kotwali, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

Shri Lalit Jangde, Dy.GA for petitioner/State.

**Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Narendra Kumar Vyas**
Order On Board

08/04/2021

1. Heard on prayer for grant of leave to appeal.
2. Though learned State counsel submits that as against the accused, there is circumstantial evidence of recovery of *Gamchha* (stole) and query report moved by the doctor that the deceased could be strangled by this seized *Gamchha*, we find that in the present case, the recovery of *Gamchha* is extremely weak kind of evidence, which does not contain any bloodstain. Therefore, except this, as against the present accused, no other evidence could be led by the prosecution.
3. Taking into consideration the lack of clinching circumstantial evidence, the learned trial Court has acquitted the accused by giving him benefit of doubt. Therefore, we are not inclined to interfere with the impugned judgment of acquittal.
4. Accordingly, the application (Cr.M.P.No.1014 of 2020) is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Narendra Kumar Vyas)
Judge