

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 746 of 2021

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. Bhadwa Korwa S/o Jhirga Korwa Aged About 60 Years R/o Village Pendari, P.S. Rajpur, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Budhram Korwa S/o Bhadwa Korwa Aged About 28 Years R/o Village Pendari, P.S. Rajpur, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh
3. Madan Korwa S/o Late Mothni Korwa Aged About 45 Years R/o Village Pendari, P.S. Rajpur, District Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For the State :- Mr. Ravish Verma, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor.

Order on Board by Justice Manindra Mohan Shrivastava, J.
29.07.2021

Heard on prayer for grant of leave to appeal.

Though learned State counsel would submit that there is evidence of extra judicial confession given by accused Madan before Jhuni Bai (PW-3), we find that according to PW-3 she claims to have met Madan sometimes around Diwali festival in the year 2017 but the FIR in the case was lodged in January, 2018 and she did not disclose immediately to anyone much less police that any extra judicial confession was made before her by Madan. The evidence of Sukhni Bai (PW-1) and Dokoram (PW-2) – parents of the deceased is hearsay as no extra judicial confession was made before them but they only referred to Jhuni Bai (PW-3). There is nothing in the evidence to show

that this so called extra judicial confession was immediately disclosed by Smt. Jhunibai (PW-3) to police. The date on which extra judicial confession was made before her has not been specifically stated nor she has stated as to on which date she disclosed such things to PW-1 and PW-2.

There is no other strong and circumstantial evidence. Recovery of a club does not connect the accused with the commission of offence. The allegation of murder based on extra judicial confession appears to have been made months after the death. In this background, the learned trial Court has found the allegation of murder extremely doubtful and acquitted the accused by giving benefit of doubt. We find that there is no patent illegality or perversity in the judgment impugned. Given limited scope of interference against judgment of acquittal, we do not find any merit.

CRMP is accordingly **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay