

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 566 of 2014

- State Of Chhattisgarh Through PS Masturi, Distt. Bilaspur C.G., Chhattisgarh

---- Petitioner

Versus

- Awadhram Yadav S/o Chhatram Yadav Aged About 29 Years R/o Village Aeramsahi, Ps Masturi, Distt. Bilaspur C.G. ,Chhattisgarh

---- Respondent

For the Petitioner/State :- Ms. Hamida Siddiqui, Dy. AG.

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

Order on Board by Justice Manindra Mohan Shrivastava J.
04.01.2021

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay (IA No.1) in this appeal.

3. Even if we condone the delay, in our considered opinion there is no merit in the case.

4. Though learned State counsel would argue that despite specific evidence of recovery of Ganja from the cattle shed attached with the house of the accused, we find that the learned trial Court has granted acquittal by giving benefit of doubt taking into consideration that the cattle shed is an open place and the residence to which it is attached is not in exclusive possession of the accused because there are about 11 members in the family. Therefore, in view of the considered opinion, we do not consider present to be a fit case for grant leave to appeal.

5. Accordingly, the application for grant of leave to appeal is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay