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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1348 of 2018

State of Chhattisgarh Through the Incharge Police Station
Ramanujganj, District Balrampur Ramanujganj Chhattisgarh

---- Appellant

Versus

1. Ramsoorat S/o. Shri Moti Gond, aged about 49 years, Occupation Agriculture.
2. Ramnath S/o. Jhari, aged about 50 years, occupation Agriculture
Both R/o. Village Piproul, Cheghrapara, PS Ramanujganj, District Balrampur Ramanujganj (CG)

---- Respondents

For the Appellant :- Ms. Fauzia Mirza, Additional A. G.
For the respondents :- None

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

Order on Board By Manindra Mohan Shrivastava, J.

06.01.2021

Heard on the application for grant of leave to appeal.

2. Even if, we are inclined to condone the delay in filing the application, we are unable to accept the submission of learned counsel for the State that the judgment suffers from patent illegality or perversity warranting interference.
3. Present is a case of circumstantial evidence, the prosecution came out with the case of kidnapping and murder of Motu @ Aman aged 6 years by the respondents/ accused on the evidence of last seen and

a motive. As far as motive part is concerned, evidence of PW-6 and PW-9 shows that apprehension was raised against the accused/respondent on the basis that about 2-3 years before the accused was fined Rs. 500/- because his animals trespassed the field of Phoolchand.

4. As far as the evidence of last seen is concerned, all that has come that the deceased Motu @ Aman was seen in the hotel of the accused. No evidence is there to show that the accused took the child away along with him and thereafter the child eloped. Presence of the child in the hotel has been stated to be in the presence of many other person. The aforesaid evidence has been held by the learned trial Court to be too weak to connect the accused with the alleged commission of offence. As the chain of circumstances could not be completed, acquittal has been granted giving benefit of doubt which in our opinion, does not suffer from patent illegality or perversity warranting any interference, therefore, no case is made for grant of leave to appeal. Accordingly, the CRMP is dismissed.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge