

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1199 of 2020**

- State of Chhattisgarh Through - Police Station Bagicha, District Jashpur (Chhattisgarh) ---- **Petitioner**

Versus

1. Jogna Ram @ Jogne S/o Bhauwa Aged About 30 Years R/o Sardih, Police Station - Sanna, District Jashpur (Chhattisgarh),
2. Parwati Bai W/o Ramdhani R/o Harratoli, Police Station Shankargarh, District Balrampur (Chhattisgarh), ---- **Respondents**

 For petitioner/State : Ms. Samiksha Gupta, Panel Lawyer

DB: **Hon'ble Shri Justice Manindra Mohan Shrivastava**

Hon'ble Shri Justice Narendra Kumar Vyas.

Order on Board

01-04-2021

1. Heard on I.A.No. 1 of 2020, application for condonation of delay in filing of the instant appeal as also application for grant of leave to appeal .
2. Even if we are inclined to condone the delay in filing the application for grant of leave to appeal, we do not find any material in the application so as to warrant interference against the judgment of acquittal.
3. Though the prosecution came out with the case that the accused persons had mixed the poisonous substance in the liquor which was consumed by the deceased, there is no direct evidence led by the prosecution. The prosecution could not prove the same beyond reasonable doubt.

4. Learned State counsel drew attention of this court to the statement of daughter of deceased namely Ku. Chandramani Bai (PW/2) that she had seen the incident where the deceased was consuming liquor with accused Jognaram @ Jogne, we find that the trial court disbelieved the point of testimony of Chandramani Bai (PW/2) as suffering from complete omission from her case diary statement wherein she did not say that the accused had come and went along with her father to fetch liquor, came back and then consumed. The diary statement only shows that when-after about six months FSL report revealed that the deceased died because of poisonous content in the liquor, enquiry was made by the Police and then it is said that a memorandum of accused Jognaram was recorded. Only this fact has been mentioned in the case diary. Except this, no other evidence could be led by the prosecution to corroborate the statement of Ku. Chandramani Bai (P/2) and therefore, acquittal has eventually resulted giving benefit of doubt. In that view of the matter, we do not find any scope for interference against the judgment of acquittal.

5. Accordingly, the instant CRMP stands dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Narendra Kumar Vyas)
Judge