

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.857 of 2021**

State Of Chhattisgarh, Through - Police Station Makdi, District Kondagaon
Chhattisgarh ---- Petitioner

Versus

Jayram Poyam S/o Botiram, Aged About 27 Years R/o. Village Bamandeipara,
Police Station Makdi, District Kondagaon Chhattisgarh --- Respondent

For State/Petitioner : Mr. Ravish Verma, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Shri Justice Naresh Kumar Chandravanshi****Order On Board****31/08/2021**

Heard on application for grant of leave to appeal.

1. Even if we were inclined to condone the delay, we do not find any merit in the application because learned Trial Court held that even if it is assumed that there is one circumstantial evidence of recovery of bloodstained clothes and axe available and proved, that by alone, without any other proved circumstantial evidence could not lead to conviction as held in series of decisions of the Hon'ble Supreme Court in the cases of Vijay Thakur V. State of Himachal Pradesh (2014) AIR SCW 5625, Mani V. State of Tamil Nadu, 2008(1) SCR 228, Manthuri Laxmi Narsaiah V. State of Andhra Pradesh, 2011 (14) SCC 117 & Sharad Birdhichand Sarda V. State of Maharashtra, 1984 (4) SCC 116 and the judgment of this Court also following the aforesaid principle, in Criminal Appeal No.441 of 2004, Ram Adhin @ Ramdin @ Charaka Vs. State of Chhattisgarh, decided on 3rd of January, 2017.

2. The view which has been taken by learned Trial Court, does not suffer from any patent illegality or perversity so as to call for interference against the judgment of the acquittal, given the limited scope of interference against the judgment of acquittal.

3. In the result, we do not find any ground to grant leave to appeal. Therefore, application for grant of leave to appeal is therefore rejected. The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(N. K. Chandravanshi)
Judge