

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1278 of 2020**

- State Of Chhattisgarh Through- Police Station Nagarnar, District Bastar, Chhattisgarh

---- Petitioner

Versus

1. Koli @ Debo @ Devnath S/o Sonsai Aged About 48 Years Resident Of Village Kalcha, Police Station Nagarnar, District Bastar, Chhattisgarh
2. Vijay Sethiya S/o Sampat Sethiya Aged About 40 Years Resident Of Village Kalcha, Police Station Nagarnar, District Bastar, Chhattisgarh

--- Respondents

For Petitioner/State : Mr. Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****17/08/2021**

1. Heard on application for condonation of delay as well as on prayer for grant of leave to appeal.
2. Even if, we are inclined to condone the delay, we find that the learned trial Court has acquitted the accused giving them benefit of doubt as the eyewitnesses of the incident have not supported the case of the prosecution, turned hostile and even the memorandum and seizure witnesses have also not supported the case of the prosecution.
3. The submission of learned State Counsel that the evidence of Salim Baghel (PW-7) and Rohan Baghel (PW-15) prove the presence of the accused and the deceased together in the field and also some quarrel has also been minutely scrutinised by the learned trial Court. We also find that as far as Salim Baghel (PW-7) is concerned, he has not made any statement regarding any assault given on the deceased by the accused and Rohan Baghel (PW-15), in his cross-examination, has stated that he has been tutored by his uncle and whatever he is speaking in the Court is as tutored by his uncle.
4. In the above said circumstances, the acquittal of the accused by giving benefit of doubt does not appear to be suffering from any patent illegality or perversity

so as to call for interference against judgment of acquittal, given the limited scope of interference against judgment of acquittal. Therefore, the application is rejected.

5. The CRMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi