

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 957 of 2021**

- State of Chhattisgarh, Through District Magistrate, Balrampur-Ramanujganj Chhattisgarh

**---- Petitioner****Versus**

- Tuneshwar Minj S/o Late Harouna Singh Aged About 44 Years R/o Village Nawadih, Schoolpara, Police Station Chando, District, Balrampur-Ramanujganj Chhattisgarh

**--- Respondent**


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

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**D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava****Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava****23.09.2021**

1. The office report shows that excluding the period as per the direction of the Hon'ble Supreme Court in Suo Moto WPC No. 03/2020 order dated 08.03.2021, the appeal is within limitation, the application for condonation of delay is therefore disposed of.
2. Heard on prayer for grant of leave to appeal.
3. Learned State counsel would argue that in the present case a blood stained axe was seized from the house of the accused, in the backdrop of allegation he having committed murder of his father.
4. We find that learned trial Court has acquitted the accused, as there is no evidence with regard to mode of death, as the dead body was cremated. Further, though the prosecution has come out with the evidence of motive and extra judicial confession in the trial, none of the witnesses have proved any of those circumstances. The independent witnesses of memorandum

and recovery have also turned hostile. Learned trial Court has acquitted the accused by giving benefit of doubt.

5. Taking into consideration that the lack of evidence of circumstantial nature forming complete chain which has been made basis for acquittal, we do not find any scope for granting leave to appeal. Accordingly, application is **rejected**.

6. CRMP is accordingly closed.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**

**Sd/-**  
**(Vimla Singh Kapoor)**  
**Judge**