

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 956 of 2021**

- State Of Chhattisgarh Through Station House Officer, Police Station Malkharauda District Janjgir Champa Chhattisgarh

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

- Manoj Kurre S/o Bhuneshwar Kurre Aged About 26 Years R/o Village Chote Seepat, Police Station Malkharauda District Janjgir Champa Chhattisgarh

--- **Respondent**

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

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava****17.09.2021**

Heard on prayer for grant of leave to appeal.

1. Though learned State counsel would argue that there is evidence on record to show that the appellant and deceased were having affair and the stone which were used in assaulting the deceased was seized at the instance of the appellant on the basis of his disclosure statement, we find that the learned trial Court, after minute scrutiny of record has come to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt. None of the incriminating circumstances have been proved from the evidence of the prosecution during trial in the absence of their being any evidence of strong motive, last seen, extra judicial confession or recovery from any place said to be in exclusive possession of the appellant. In the absence of blood stains on the clothes of the accused or any evidence of finger prints etc. the learned trial Court has rightly reached to the conclusion that the prosecution has brought home the guilt of

the accused. There is no scope of interference with the judgment impugned of acquittal. Accordingly, application is **rejected**.

2. CRMP is accordingly closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

jasmin