

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1252 of 2020

State Of Chhattisgarh Through Police Station Kamleshwarpuar, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. Ajeet Gupta S/o Brijmohan Gupta, aged about 25 years, R/o Ropakhar, Thana Kamleshwar, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Rajesh Gupta S/o Ishwar Aged About 30 Years R/o Ropakhar, Thana Kamleshwar, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For State/Petitioner : Smt. Hamida Siddiqui, Dy.A.G.

D.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

05/01/2021

1. Heard on prayer for grant of leave to appeal.
2. Learned counsel for the petitioner-State argue that despite evidence of the injured witness Rajnish Pandey (PW5) and other injured Ramsagar (PW3) that there existed inimical relation between the accused and the injured and the manner in which the vehicle was dashed indicated an attempt to commit murder, acquittal from the charges of commission of offence under Section 307 IPC has been granted.
3. After going through the impugned judgment and the evidence particularly that of Rajnish Pandey (PW5) and Ramsagar (PW3), we are satisfied that finding recorded by the learned trial Court that it was an accident and there is no evidence to prove enmity or any circumstance to indicate that attempt was a deliberate one, we do not consider present to be a fit case for grant

of leave to appeal.

4. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Praveen