

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1568 of 2018**

- State Of Chhattisgarh Through Police Station Narharpur, District Kanker Chhattisgarh

---- Petitioner**Versus**

1. Smt. Geshwari Sinha W/o Shri Gopal Sinha Aged About 40 Years R/o Village Risewada Gohanpara, Police Station Narharpur District Kanker Chhattisgarh
2. Gopal Sinha S/o Shri Gajju Sinha Aged About 45 Years R/o Village Risewada Gohanpara, Police Station Narharpur District Kanker Chhattisgarh
3. Dinesh Sinha S/o Gopal Sinha Aged About 24 Years R/o Village Risewada Gohanpara, Police Station Narharpur District Kanker Chhattisgarh

---- Respondents

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

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

Order On Board**25/01/2021**

Even if we are inclined to condone the delay in filing the appeal, we do not find any ground so as to grant leave to appeal.

Though learned State counsel argue that the evidence on record proves that whatever criminal overt act was committed by the accused, was in exercise of right of defence of the person which extends to causing death, the learned Court below, before acquitting the respondents, ought to have considered that there is reliable evidence of commission of offence by the accused.

After going through the records, we find that the manner in which the story has been narrated by the accused in their defence evidence which has been relied upon by the learned Court below, the view taken by the Court below that the death was caused in exercise of right of private defence, taking into consideration the provisions

contained in Section 100 of IPC, we do not consider it a fit case for grant of leave to appeal, as the view taken by the Court below is quite plausible and possible and there is no patent illegality or perversity in taking the said view.

The CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge