

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1322 of 2020

- State Of Chhattisgarh Through Police Station Daundi, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Petitioner

Versus

- Parmeshwar Shyam S/o Late Balduram Shyam Aged About 32 Years R/o Village Fagundah, Police Station Daundi, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Respondent

For the State	:-	Mr. Ravish Verma, GA.
For respondent	:-	None

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor.

Per Manindra Mohan Shrivastava, J.

18.08.2021

None for respondent though served.

Heard on application for condonation of delay, as well as, prayer for grant of leave to appeal against the judgment of acquittal.

Even if, we were inclined to condone the delay, we do not find any merit in this case because the acquittal of the respondent/accused is based on minute scrutiny of the entire evidence led by the prosecution whereby, learned trial Court come to conclusion that it is a case of no evidence.

Learned State counsel submits that all the conduct of the accused after death of his wife, body found near the well which is situated near the house of the accused, it being homicidal in nature and that the appellant had confessed in presence of independent witnesses regarding he having committed murder of his wife have not been taken into consideration by the learned trial Court.

The Court below has recorded a specific finding that number of witnesses were informed by the accused about the death of her wife near the well in the village. The well is not situated within the boundaries of the house but in an open place which is used by all. Disbelieving so called confession made by the accused and absence of any evidence connecting the accused with the incident in question, the Court below has granted acquittal by giving benefit of doubt. Therefore, conclusion of the the learned trial Court does not suffers from any patent illegality or perversity so as to called for any interference.

In view of the above, there is no merit in the application and therefore, CRMP is **rejected**. Records of the Court below be remitted forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay