

HIGH COURT OF CHHATTISGARH, BILASPUR
ACQA No. 1 of 2021

- Gauri Bai Chauhan (Sister Of The Deceased) W/o Trilochan Aged About 62 Years R/o Regda, Tahsil And District Raigarh, Chhattisgarh. **---- Appellant**

Versus

1. State Of Chhattisgarh Police Station Chakradharnagar, Raigarh, district Raigarh, chhattisgarh.
2. Vijay Rathiya S/o Lt. Pyarilal Rathiya Aged About 38 Years Village Danout, Thana Chakradharnagar, District Raigarh, CG.

---- Respondents

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- Mr. M.K. Jaiswal, counsel for the appellant.
 - Mr. Praveen Shrivastava, PL for the State.
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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, J.

24.02.2021

Heard on admission of the appeal.

Learned counsel for the appellant would argue that though recovery of a wooden club from the possession of the appellant has been proved by I.O. which was found to be blood stained, the learned Court below has acquitted the respondent/accused by giving a benefit of doubt only because there were some discrepancy.

After going through the impugned judgment we find that the learned trial Court after examining the entire prosecution evidence on record recorded finding that the sole eye witness of the case has not supported the case of the prosecution but has stated that the deceased died due to fall of tree on him and that the memorandum and independent witnesses of memo of seizure has not supported the

case of the prosecution and that there is no other evidence to connect the appellant with the accused has acquitted, the judgment of learned trial Court is plausible and possible and cannot be said to be suffering from patent illegality or perversity so as to call for any interference in the judgment of acquittal.

Accordingly, application is **rejected**.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge