

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 2258 of 2019

- State Of Chhattisgarh Through The Station House Officer, Police Station Basantpur , District - Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. Roshan Starli S/o Chiryat Starli, Aged About 22 Years R/o Plot No. 14, Street No. 3, Kripal Nagar, Kohka, Police Station Supela, Bhilai, District - Durg Chhattisgarh.
2. Shikhar Vishwakarma @ Hani, S/o Rajesh Vishwakarma, Aged About 19 Years R/o House No. 24 / A, Street No. 7, Sector 1, Bhilai, Police Station Bhilai Nagar Kotwali, District Durg Chhattisgarh.
3. Vishal Singh S/o Pradeep Singh Aged About 19 Years R/o House No. 6 / F, Street No. 66, Sector 6, Bhilai, Police Station Kotwali Bhilai, District - Durg Chhattisgarh.

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- Ms. Samiksha Gupta, 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 application for grant of leave to appeal.

Learned counsel for State would argue that the evidence of identification of accused Roshan Starli and Vishal Singh has been wrongly disbelieved even though prosecution has come out with clear evidence in that regard. From the material on record and the impugned judgment it is found that the reason for disbelieving the evidence of identification is the statement of the victim Jitendra Kumar Sahu (PW-7) that he has seen the accused from behind. The other ground for disbelieving the evidence of identification is that the victim Jitendra Kumar Sahu (PW-7) admits that the accused person were shown to him in the police station before identification parade.

In the absence of there being any clinching evidence of recovery of the looted articles from the accused, the order of acquittal of the accused by the learned trial Court does not suffers from any perversity or patent illegality calling for any interference in judgment of acquittal.

Accordingly, application is **rejected**.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge