

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 2758 of 2019

- State Of Chhattisgarh Through The Station House Officer, Police Station Jashpur, District Jashpur, Chhattisgarh. ---- **Petitioner**

Versus

- Belsajar @ Bilu S/o Late Jaiman Khess Aged About 49 Years R/o Village Bada Galounda, Police Station Jashpur, District Jashpur, Chhattisgarh. ---- **Respondent**

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- Mr. K.K. Singh, GA 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.

02.03.2021

Heard on IA No. 1 application for condonation of delay in filing of application as also on prayer for grant of leave to appeal.

Even if we are inclined to condone the delay, we do not find any merit in the application for the reason that the acquittal of the accused is founded on a minute scrutiny of the evidence led by the prosecution that the prosecution failed to prove any of the incriminating circumstantial evidence either of last seen or even of recovery of blood stains articles at the instance of the accused. The independent witnesses of memorandum and seizure PW-6 and PW-9 both have turned hostile and not supported the case of the prosecution. The motive as alleged that at the time of Vishwakarma Pooja the respondent/accused had threatened to kill the deceased is of about six months before the date of alleged incident without there being any other incident of threat or assault in near proximity. There is no report of presence of applicant at or near the spot where the death body was found.

Taking into consideration the aforesaid circumstances, the learned trial Court has taken a view that the prosecution case suffers from doubt,

benefit of which should go to the accused. The view taken by learned trial Court is plausible and possible one and does not warrant any interference by this Court against the same. Given the limited scope of interference against the judgment of acquittal, we do consider present to be a fit case for grant of leave to appeal.

Accordingly, application is **rejected**.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge