

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 189 of 2020

- State Of Chhattisgarh Through Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

- Chandrashekhar Singh Chandra @ Chhotu Chandra S/o Tijram Chandra R/o Village Odekera, Police Station Jaijaipur, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent.

For the State :- Mr. Lalit Jangde, Dy. GA.

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

Order on Board by Justice Manindra Mohan Shrivastava, J.
15.03.2021

Heard on prayer for grant of leave to appeal.

We do not find any merit in this case because the prosecution case rests only on circumstantial evidence of last seen, recovery and motive but neither any recovery has been made from the respondent/accused nor the motive could be proved by cogent evidence. The evidence of last seen itself has been found not reliable in view of the statements given by PW-1 regarding she disclosing the incident after very long time. Even otherwise, it is a settled legal position that only on the evidence of last seen, without any other incriminating circumstantial evidence, conviction could not be ordered, therefore, the order of judgment of acquittal does not suffers from any patent illegality or perversity warranting any interference by this Court.

Accordingly, CRMP is **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge